

ABRIDGED DIGEST

OF

ELECTION LAWS

OF

PENNSYLVANIA,

BEING AN EXTRACT FROM THE

PENNSYLVANIA STATE BOOK,

NOW GOING THROUGH THE PRESS;

TO WHICH IS ADDED THE ACT RELATING TO GAME
AND GAME FISH, APPROVED JUNE 3, 1878.

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PREFACE.

In 1868 a compilation of the election laws of the State was made by Francis Jordan, Secretary of the Commonwealth, in accordance with a resolution passed by both Houses of the Legislature. This was revised in 1872, and again in 1874, since which time it has gone out of print. To supply a want thus created, the following digest of the election laws of the State has been prepared. It is confidently believed that it will be found accurate, and sufficiently full to serve as a correct guide to the voter, election officer, and all officers receiving, computing, and forwarding election returns. Its arrangement is such as to make it much more convenient for reference than any copy of the election laws heretofore published.

This *digest* forms part of a larger work now being published, entitled "The Pennsylvania State Book," to be issued about January, 1879.

ABRIDGED DIGEST

OF

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Qualifications of Voters.

SECTION 1. Every male citizen, twenty-one years of age, possessing the following qualifications, shall be entitled to vote at all elections:

First. He shall have been a citizen of the United States at least one month.

Second. He shall have resided in the State one year, (or if, having previously been a qualified elector or native born citizen of the State, he shall have removed therefrom and returned, then six months,) immediately preceding the election.

Third. He shall have resided in the election district where he shall offer to vote at least two months immediately preceding the election.

Fourth. If twenty-two years of age or upwards, he shall have paid within two years a State or county tax, which shall have been assessed at least two months and paid at least one month before the election. (a)

* When Elections to be held.

SECTION 2. The general election shall be held annually on the Tuesday next following the first Monday of November. Elections for city, ward, borough, and township officers, for regular terms of service, shall be held on the third Tuesday of February. (b)

Election Districts.

SECTION 3. Townships, and wards of cities or boroughs, shall form, or be divided into election districts as the court of quarter sessions of the city or county in which the same are located may direct; but districts in cities of over one hundred thousand inhabitants shall be divided by the courts of quarter sessions, having jurisdiction therein, whenever at the next preceding election more than two hundred and fifty votes shall have been polled therein; and other election districts, whenever the court of the proper county shall be of opinion that the convenience of the electors and the public interests will be promoted thereby. (c)†

‡ Officers to be Chosen.

SECTION 4. At the general election every fourth year a Governor shall be chosen by the qualified electors of the Commonwealth, at the places where they shall vote for Representatives.

* It is the duty of the sheriff or coroner of every county to give notice of general elections, and of the constable or constables, supervisors or assessors, of each township, ward, or district, to give notice of township elections.—See act July 2, 1839, § 1, 2, 13, and 96, P. L. p. 519, 521, and 541; also, act of June 13, 1840, § 2, P. L. p. 634.

† Courts of quarter sessions are authorized to change election districts and fix places of election, and appoint election officers.—See act of April 20, 1854, § 1 and 2, P. L. p. 419; act of January 31, 1855, § 1, P. L. p. 5; act of April 17, 1866, § 1 and 2, P. L. p. 107; act of April 15, 1867, § 1, P. L. p. 86; act of March 18, 1876, P. L. p. 178; act of May 10, 1878, § 5, P. L. p. 52.

‡ See act of May 15, 1874, P. L. p. 186, declaring what offices are incompatible; also, act of March 10, 1875, P. L. p. 6, as to commencement of terms of members of councils, and all other city, ward, borough, and township officers, except school directors.

(a) Constitution, Art. 8, § 1.

(b) Constitution, Art. 8, § 2 and 3.

(c) Constitution, Art. 8, § 11.

At the same time and places a Lieutenant Governor shall be chosen.

The returns of every election for Governor shall be sealed up and transmitted to the seat of government, directed to the President of the Senate, who shall open and publish them in the presence of the members of both Houses of the Legislature. The person having the highest number of votes shall be Governor, but if two or more be equal and highest in votes one of them shall be chosen Governor by the joint vote of the members of both houses of the General Assembly. (a)

A Secretary of Internal Affairs shall be chosen at the general election every fourth year,

An Auditor General every third year, and

A State Treasurer every second year.* No Auditor General or State Treasurer shall be eligible for re-election. (b)

Judges of the Supreme Court shall be elected at the general elections, for the term of twenty-one years, but shall not be eligible for re-election. In the election of Supreme Judges, whenever two are to be chosen for the same term of service, each voter shall vote for only one, and when three are to be chosen he shall vote for no more than two. Those highest in vote shall be chosen. (c)

Judges of the courts of common pleas shall be elected by the qualified electors of the districts over which they are to preside, for the term of ten years. (d)

In all counties of over one hundred and fifty thousand inhabitants, and in such other counties as the Legislature shall direct, separate orphans' court judges shall be elected for a term of ten years. (e)

In Philadelphia, where the office of alderman is abolished, for every thirty thousand inhabitants, there shall be elected a magistrate for a term of five years. Such magistrates shall be elected on a general ticket by the qualified voters at large, no voter to vote for more than two-thirds of the whole number to be elected. (f)

Justices of the peace and aldermen shall be elected in the several wards, boroughs, districts and townships, (except when otherwise provided,) by the qualified electors, in the manner directed by law.† No ward, borough, district, or township, shall elect more than two justices of the peace, or aldermen, without the consent of a majority of its qualified voters; and no person shall be elected to such office unless he has been a resident of the ward, borough, district, or township, for one year next preceding his election. In cities of over fifty thousand inhabitants, but one alderman shall be chosen in each ward or district. (g)

SECTION 5. Each State shall appoint in such manner as the Legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector. (h)‡

SECTION 6. The electors of President and Vice President shall be appointed in each State on the Tuesday next after the first Monday in the month of November of the year in which they are to be appointed: *Provided*, That each State may by law provide for the filling of any vacancy or vacancies which may occur in its college of electors, when such col-

* For mode of electing these officers, qualifications, commencement of their official terms, and how vacancies to be filled, see Constitution, Art. 4, § 8; also, act of May 11, 1874, P. L. p. 135; act of April 9, 1850, P. L. p. 434; act of April 1, 1872, P. L. p. 32; and act of April 25, 1873, P. L. p. 77.

† See § 179, 180, and 181, *post*.

‡ See also Constitution of the United States, Art. 14, § 3, as to further disqualifications.

(a) Constitution, Art. 4, § 2, 3 and 4.

(b) Constitution, Art. 4, § 21.

(c) Constitution, Art. 5, § 2 and 16.

(d) Constitution, Art. 5, § 15.

(e) Constitution, Art. 5, § 22.

(f) Constitution, Art. 5, § 12.

(g) Constitution, Art. 5, § 11.

(h) Constitution of the U. S., Art. 2, § 1,

lege meets to give its electoral vote: *And provided also*, When any State shall have held an election for the purpose of choosing electors, and shall fail to make a choice on the day aforesaid, then the electors may be appointed on a subsequent day in such manner as the State shall by law provide. *(a)**

SECTION 7. At every such election every qualified citizen shall be entitled to vote, by delivering to the proper officer a written or printed ticket, containing the names of a number of persons equal to the whole number of Senators and Representatives to which this State may be entitled in the Congress of the United States. *(b)*

SECTION 8. The House of Representatives shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.†

When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies. *(c)*

SECTION 9. The times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators. *(d)*

SECTION 10. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. *(e)‡*

SECTION 11. The election of representatives in Congress shall take place on the first Tuesday after the first Monday in November, in every second year, at the places appointed by law for holding the general elections.

SECTION 12. Members of the General Assembly shall be chosen at the general election every second year. Whenever a vacancy shall occur in either House, the presiding officer thereof shall issue a writ of election to fill such vacancy for the remainder of the term. *(f)*

SECTION 13. Senators shall be elected for the term of four years, and Representatives for the term of two years. *(g)*

SECTION 14. Senators shall be at least twenty-five years of age, and Representatives twenty-one years of age. They shall have been citizens and inhabitants of the State four years, and inhabitants of their respective districts one year next before their election, and shall reside in their respective districts during their terms of service. *(h)*

SECTION 15. No member of Congress or other person holding any office (except of attorney-at-law or in the militia) under the United States or this Commonwealth, shall be a member of either House during his continuance in office. *(i)*

SECTION 16. No person hereafter convicted of embezzlement of public moneys, bribery, perjury, or other infamous crime, shall be eligible to the General Assembly, or capable of holding any office of trust or profit in this Commonwealth. *(j)*

SECTION 17. County officers shall consist of sheriffs, coroners, pro-

* See act of Congress of March 1, 1792, and § 30 and 31 of act of General Assembly of July 2, 1839, (P. L. p. 525,) as to time of meeting and proceedings of electors, and mode of filling vacancies.

† See Constitution of the United States, Art. 14, sec. 3, for disqualifications of representatives.

‡ For present division of State into congressional districts, and the places of meeting of the return judges, see act of April 28, 1873, P. L. p. 79.

(a) Act of Congress, approved January 23, 1845.

(b) Act of July 2, 1839, § 21, P. L. p. 524.

(c) Constitution of the United States, Art. 1, sec. 2.

(d) Constitution of the United States, Art. 1, sec. 4.

(e) Constitution of the United States, Art. 14, sec. 2.

(f) Constitution, Art. 2, § 2.

(g) Constitution, Art. 2, § 3.

(h) Constitution, Art. 2, § 5.

(i) Constitution, Art. 2, § 6.

(j) Constitution, Art. 2, § 7.

thonotaries, registers of wills, recorders of deeds, commissioners, treasurers, surveyors, auditors or controllers, clerks of the courts, district attorneys, and such others as may from time to time be established by law; and no sheriff or treasurer shall be eligible for the term next succeeding the one for which he may be elected. (a)*

SECTION 18. County officers shall be elected at the general elections and shall hold their offices for the term of three years, beginning on the first Monday of January next after their election, and until their successors shall be duly qualified; all vacancies not otherwise provided for shall be filled in such manner as may be provided by law. (b)†

SECTION 19. Three county commissioners and three county auditors shall be elected in each county where such officers are chosen, in every third year. In the election of said officers, each qualified elector shall vote for no more than two persons, and the three persons having the highest number of votes shall be elected; any casual vacancy in the office of county commissioner or county auditor shall be filled by the court of common pleas of the county in which such vacancy shall occur, by the appointment of an elector of the proper county who shall have voted for the commissioner or auditor whose place is to be filled. (c)

SECTION 20. School directors shall be elected annually in each district of the State, in the following manner: At the time and place that elections are held for supervisors and constables, and in wards in cities or boroughs at the time and place of the borough or ward elections, and in like manner, two qualified citizens shall be elected school directors in each district whose term of office shall be three years; but in districts where directors have not been elected, or in new districts which may be established by the erection of a new ward, borough or township, six directors shall be elected in such districts at the first election, two to serve one year, two to serve two years, and two to serve three years, and two annually thereafter; and in city and borough districts allowed to elect three directors, the whole number for each ward shall be chosen at the first annual election after the passage of this act, one to serve for one year, one to serve for two years, one to serve for three years, and one annually thereafter. (d)‡

SECTION 21. The corporate powers, and the number, character, powers and duties of officers of the cities of the first and second class, and those of the third class now in existence by virtue of the laws of this Commonwealth, shall be and remain as now provided by law, except where otherwise provided by this act. (e)§

SECTION 22. That the several acts that have been passed, relating to the election of constables in the different boroughs, wards, and townships in the several counties of this Commonwealth, shall be so altered and construed, as that each of the electors of each borough, ward, and township, shall annually vote for only so many candidates for the office of constable as there shall be persons required to fill said office in their respective boroughs, wards, or townships; the candidates receiving the

* See act of July 2, 1839, P. L. p. 559, and other acts of Assembly, providing for the election of prothonotaries, clerks of courts, registers and recorders, in the several counties of the Commonwealth.

† For mode of filling vacancies and qualifications, see Constitution, Art. 4, § 8, and Art. 14, § 3; also, the following acts of Assembly, viz: April 15, 1834, P. L. p. 540 and 545; July 2, 1839, P. L. p. 559; May 27, 1841, P. L. p. 400; April 9, 1850, P. L. p. 434; May 3, 1850, P. L. p. 654; April 13, 1859, P. L. p. 607 and 617, and May 15, 1874, P. L. p. 205.

‡ Women made eligible to school offices by Art. 10, § 3 of the Constitution. For provisions relating to vacancies and commencement of term of office of directors, see act of May 8, 1854, § 7, 8, and 9, P. L. p. 618; act of April 11, 1862, § 2, P. L. p. 471, and act of April 22, 1863, P. L. p. 523.

§ See the charters of the several cities of the Commonwealth and supplements thereto, in addition to general city act of May 23, 1874, and its supplements.

(a) Constitution, Art. 14, § 1.

(b) Constitution, Art. 14, § 2.

(c) Constitution, Art. 2, § 7.

(d) Act of May 8, 1854, § 5, P. L. p. 618.

(e) Act of May 23, 1874, § 1, P. L. p. 230.

highest number of votes shall be declared elected ; and that all existing laws inconsistent with this section, be and they are hereby repealed. (a)*

SECTION 23. That at the election to be held annually on the third Tuesday of February, there shall be elected in each election district in the State one person as judge, and two inspectors, in conformity with the general laws of the Commonwealth, to conduct the elections for one year, and also an assessor who shall perform the duties incident to elections as required by the provisions of this act. (b)

SECTION 24. The electors of every township shall, annually, elect the following township officers, to wit :

I. An assessor.

II. Three supervisors to be elected in 1835, one to serve one year, one two years, and one three years, and thereafter one each year, to serve three years.†

III. A township treasurer.‡

IV. A town clerk : who shall serve in their respective offices for the term of one year, and until a successor shall be duly elected or appointed : *Provided*, That if the whole number of votes given in for the offices of town clerk or township treasurer shall not exceed one half the number of votes polled at the same elections for supervisors, then, and in that case no person shall be considered as duly elected to either of those offices.

V. Three township auditors to be elected for the same term and in the same manner as supervisors.

VI. And in the year 1834, and every third year thereafter, it shall be lawful for the electors of every township to elect two assistant assessors for the term of one year. (c)

SECTION 25. So much of the eighty-first section of the act of the 15th day of April, 1834, "relating to counties and townships, and county and township officers," as requires the election of three supervisors and a township treasurer, is hereby repealed, except in the counties of Erie, Franklin, Wayne, Venango, Warren, Susquehanna, Bradford, Tioga, Luzerne and Lackawanna; and it shall be the duty of the electors of every township annually to elect two supervisors, who shall serve for one year, and shall perform the duties and be subject to the responsibilities provided by the act to which this section is a supplement. (d)‡

SECTION 26. So much of the nineteenth section of the act of the 15th day of April, 1834, as enjoins on the supervisors the duties of overseers of the poor, is hereby repealed, except in the counties excepted in the eighth section of this act; and it shall be the duty of every township annually to elect two persons who shall perform the duties of overseers of the poor for one year, and be subject to the responsibilities provided by the act to which this is a supplement. (e)‡

SECTION 27. The qualified electors of every incorporated borough having resided therein at least six months immediately preceding the election, and within one year paid a borough tax, shall, annually, on the third Tuesday of February, elect by ballot one citizen residing therein, who shall be styled the burgess, and five citizens to be a town council, and shall also elect, as aforesaid, two citizens, who shall be overseers of the poor, if necessary, and one citizen as town constable, all of whom shall be resident in said borough. (f) §

* See act of April 15, 1834, P. L. p. 556, as to qualifications and vacancies.

† See § 25, post. ; also, act of May 6, 1857, P. L. p. 415, as to increase and decrease in number of supervisors.

‡ See act of April 15, 1834, P. L. p. 552 and 553, and act of March 16, 1860, P. L. p. 174, as to qualifications and vacancies. Two to be elected in Tioga county by act of January 11, 1861, § 3, P. L. p. 5.

§ Qualifications of voters changed by sections 1 and 3, *ante*. Number of councilmen to be elected, fixed at six by act of June 2, 1871, P. L. p. 284.

(a) Act of April 9, 1849, § 3, P. L. p. 508. (d) Act of Feb. 28, 1835, § 8, P. L. p. 46.

(b) Act of Jan. 30, 1874, § 15, P. L. p. 39. (e) Act of Feb. 28, 1835, § 9, P. L. p. 47.

(c) Act of April 15, 1834, § 81, P. L. p. 552. (f) Act of April 1, 1834, § 5, P. L. p. 164.

SECTION 28. It shall be lawful for the borough electors annually to elect:

I. The corporate officers designated in the charter or by this act.

II. One judge and two inspectors of the general election.

III. One assessor and two assistant assessors, when required by the laws of this Commonwealth.

IV. One borough auditor, to serve three years.

V. One constable.

VI. Two overseers of the poor, if necessary, who shall perform the duties, and be subject to the provisions of the law respecting township officers and elections. (a)*

SECTION 29. Electors only shall be eligible to borough offices. (b)

SECTION 30. The officers elected shall serve until others are duly elected and qualified; (c) and the borough elections shall be held in accordance with, and subject to all the provisions of the laws regulating township elections, so far as applicable, unless otherwise provided for in the charter. (d)

† Duties of Assessors.

SECTION 31. It shall be the duty of each of the assessors, who are required to perform any duties incident to holding of elections, and the registration of voters, in the different counties or cities of this commonwealth, on the first Monday of June of each year, to take up the transcript of the next preceding assessment, as transmitted to them by the city or county commissioners, and proceed to the revision of the same; and for this purpose he shall visit every dwelling house in his district, and make careful inquiry if any person whose name is on his list has died or removed from the district, and if so, to erase the same therefrom, or whether any qualified voter resides therein whose name is not on the list, and if so, to add the same thereto; and in all cases where a name is added to the list, the person shall forthwith be assessed, and the assessor shall, in all cases, ascertain by inquiry upon what ground the person so assessed claims to be a voter. Upon the completion of this work, it shall be the duty of each assessor, as aforesaid, to proceed to make out a list, in alphabetical order, of the male citizens twenty-one years of age and upwards, claiming to be qualified voters in the election district of which he is the assessor, and opposite each of said names state whether said citizen is or is not a housekeeper; and if he is, the number of his residence, in towns where the same are numbered, with the street, alley or court in which situated, and if in a town where there are no numbers, the name of the street, alley or court on which said house fronts; also, the occupation of the person, and where he is not a housekeeper, the occupation, place of boarding, and with whom; and if working for another, the name of the employer, and write opposite each of said names the word "voter." Where any person claims to vote by reason of naturalization, he shall exhibit his certificate thereof to the assessor, unless he has been for two consecutive years next preceding a voter in said district; and in all cases where the person has been naturalized, the name shall be marked with the letter "N." Where the person has merely declared his intentions to become a citizen, and designs to be naturalized before the next election, he shall exhibit the certificate of his declaration of intention, and the name shall be marked "D. I." And where the person shall be entitled by existing laws to be naturalized, without making a declaration of his intention to be naturalized, and intends to be naturalized at least one month before the next general

* See act of March 24, 1877, P. L. p. 36, as to vacancies in borough offices.

† By the second section of act of July 2, 1839, P. L. p. 519, and by second section of act of June 13, 1840, P. L. p. 684, it is made the duty of assessors, in case of the absence, neglect, refusal, or death of constables or supervisors, to give notice of township and ward elections.

(a) Act of April 3, 1851, § 17, P. L. p. 325. (c) Act of April 3, 1851, § 19, P. L. p. 325.

(b) Act of April 3, 1851, § 18, P. L. p. 325. (d) Act of April 3, 1851, § 14, P. L. p. 325

election, the name of such person shall be added to the list, and the name of such person shall be marked "I. N." Where the claim is to vote by reason of being of the age of twenty-one and under twenty-two, as provided by law, the word "age" shall be entered, and if the person has moved into the election district, to reside since the last general election, the letter "R," shall be placed opposite the name. It shall be the further duty of each assessor as aforesaid, upon the completion of the duties herein imposed, to make out a separate list of all new assessments made by him. On the lists being completed, and the assessments made as aforesaid, the same shall forthwith be returned to the county commissioners. (a)

SECTION 32. The county commissioners shall immediately add the names on the list of new assessments to the tax duplicate of the ward, borough, township or district in which they have been assessed, and cause duplicate copies of the other list, with the observations and explanations required to be noted as aforesaid, to be made out as soon as practicable, and placed in the hands of the assessor, who shall, prior to the first Monday of August, in each year, put one copy thereof on the door of or on the house where the election of the respective district is required to be held, and retain the other in his possession for the inspection, free of charge, of any person resident in the said election district who shall desire to see the same; and it shall be the duty of the said assessor to add, from time to time, on the personal application of any one claiming the right to vote, the name of such claimant, and mark opposite the name "C. V.," and immediately assess him, noting as in all other cases his occupation, residence, whether a boarder or housekeeper; if a boarder, with whom he boards, and whether naturalized or designing to be, marking in all cases opposite the name the letters "N.," "D. I.," or "I. N.," as the case may be; if the person claiming to be assessed, be naturalized, he shall exhibit to the assessor his certificate of naturalization; and if he claims that he designs to be naturalized before the next ensuing election, he shall exhibit the certificate of his declaration of intention, if such previous declaration is required by the laws of the United States. It shall be the duty of the said assessor to be present at the election house of the said election districts, during the two secular days next preceding the day fixed by the third section of this act for returning the lists to the county commissioners,* from ten A. M. to three P. M., and from six P. M. to nine P. M., of each of said days, for the purpose of hearing and acting upon applications to be made under the provisions of this section, or relating to names upon said lists, or that are sought to be placed thereon, or struck therefrom; and it shall be his duty to correct said lists by adding thereto the names of persons entitled to vote not already thereon, and by striking therefrom fictitious names, or names of persons who may have died or removed from said district; and the said lists shall be open for inspection by any qualified elector of the county or ward in which the election district is situated, as well as by the person claiming to be registered; and the court of common pleas of the proper county, or any law judge thereof, at chambers, on the application of any qualified elector of the ward or county, under oath, setting forth a breach of any of the duties imposed on said assessor, by this act, which oath may be made at any time before the day of election, shall call the assessor and the complainant before it or him, by citation or rule to show cause, and shall hear the parties and dispose of the subject in a summary manner, as to law and justice shall belong, and shall, if need be, order the assessor to correct the registry accordingly, and the said court or judge may enforce such order by attachment as in proceedings for contempt. (b)

SECTION 33. After the assessments have been completed on the sixty-first day before the Tuesday next following the first Monday of Novem-

* See § 33, *post*.

(a) Act of January 30, 1874, § 1, P. L. p. 31. (b) Act of Jan. 30, 1874, § 2, P. L. p. 32.

ber in each year, the assessor shall on the following day make a return to the county commissioners of the names of all persons assessed by him since the return required to be made by him by the first section of this act, noting opposite each name the observations and explanations required to be noted as aforesaid. (a)

SECTION 34. That from and immediately after the passage of this act, the court of common pleas in the proper county, in election districts wherein assessors have not heretofore been elected, shall appoint one reputable person in each election district to be the assessor thereof, who shall perform all the duties relating to elections now required to be performed by assessors under the provisions of this act. Such assessors shall be appointed as nearly as can be ascertained from the party having a majority of the votes in their respective districts. (b)

SECTION 35. That the assessors appointed under the fourteenth section of this act* shall, within five days after their appointment, proceed to make out lists of the qualified electors in their respective election districts, and deliver the same to the commissioners, who shall transmit a certified copy of the same to the judge of each election district, at least forty-eight hours before the election to be held on the third Tuesday of February next. Said assessors shall also post ten copies thereof in conspicuous places in each election district at least ten days before said election. And the lists so made by the assessors during the two secular days preceding the day of the delivery thereof to the commissioners, (of which days public notice shall be given by handbill throughout said district,) shall be open for inspection and correction in the custody of the said assessor, from ten, A. M., to three, P. M., and from six, P. M., to nine, P. M., of each of said days, in the manner provided in section second of this act;† and all of the remedies, privileges, and powers secured and provided thereby are hereby made applicable to the lists herein named. (c)

SECTION 36. That the assessors directed to be appointed and elected by the fourteenth and fifteenth sections of the act, approved the thirtieth day of January, Anno Domini one thousand eight hundred and seventy-four, are hereby declared to be assessors only to perform such duties as are now required by law of assessors incident to the holding of elections and registration of voters, and that the office of assessor for purposes of valuation, with all the duties incident thereto, shall continue and remain as now provided for by law: *Provided*, That in townships, boroughs, and wards composing but one election district, the assessors for purposes of valuation shall be assessors for the holding of elections and the registration of voters. (d)‡

SECTION 37. The respective assessors shall have the power to administer oaths to any person claiming the right to be assessed, or in regard to any other matter or thing required to be done or inquired into by said officers under this act. (e)

SECTION 38. The assessors shall each receive the same compensation for the time necessarily spent in performing the duties hereby enjoined as is provided by law to assessors making valuations, to be paid by the county commissioners as in other cases: and it shall not be lawful for any assessor to assess a tax against any person whatever within sixty-one days next preceding the annual election in November. (f)§

SECTION 39. It shall be the duty of said assessors respectively, on entering the names of persons claiming to be assessed, forthwith to levy

* See § 34, *ante*.

† See § 32, *ante*.

‡ See § 34, *ante*.

§ Their compensation is fixed by the county commissioners in pursuance of 12th section of act of June 13, 1840, P. L. p. 687.

(a) Act of Jan. 30, 1874, § 3, P. L. p. 33.

(d) Act of Feb. 13, 1874, § 1, P. L. p. 44.

(b) Act of Jan. 30, 1874, § 14, P. L. p. 39.

(e) Act of Jan. 30, 1874, § 17, P. L. p. 40.

(c) Act of Jan. 30, 1874, § 16, P. L. p. 39.

(f) Act of Jan. 30, 1874, § 18, P. L. p. 40.

and assess on such persons, except those between the age of twenty-one and twenty-two years, such an amount of county tax as by law is levied and assessed on taxable inhabitants of like standing or occupation, and give a certificate of such assessment to the person so assessed, and return his name on said list to the commissioners, noting opposite said name the words "tax not paid;" and the collector shall, on presentation of such certificate, receive said tax, and give a receipt for the same. (a)

SECTION 40. The assessors aforesaid shall also keep copies of the aforesaid lists in their office or possession, subject at all reasonable times to the inspection of any freeman without charge; * * * * and when any ward, township, incorporated district, or borough, has been, or shall be divided in forming any election district, or part of an election district, said assessors shall make out, certify, sign, and deliver, as hereinbefore directed for wards, townships, districts, and boroughs, duplicate lists as aforesaid of the qualified voters residing within each part of said divided ward, township, district, and borough. (b)*

SECTION 41. It shall be the duty of said assessors, respectively, to attend at the place of holding every general, special or township election, during the whole time said election is kept open, for the purpose of giving information to the inspectors and judge, when called on, in relation to the right of any person assessed by them to vote at such election, or such other matters in relation to the assessment or voters, as the said inspectors or judge, or either of them, shall from time to time require; for which attendance said assessor shall be entitled to the sum of one dollar per day, to be paid as officers of election are paid by law; and when the township is divided for which said assessor is elected, he shall attend at the election district in which he resides and is entitled to vote. (c)†

Duties of County Commissioners.

SECTION 42. The commissioners of every county shall on or before the 1st day of August, in each year, cause to be delivered to the assessor of every ward, township, incorporated district and borough, within their respective counties, a certified transcript under seal of office, of the names and surnames of the taxable persons returned at the last county assessment of said wards, townships, districts and boroughs, arranged in alphabetical order. (d)

SECTION 43. The county commissioners shall immediately add the names on the list of new assessments made and returned by the assessors to the tax duplicate of the ward, borough, township or district in which they have been assessed, and cause duplicate copies of the other list, with the observations and explanations required to be noted as aforesaid, to be made out as soon as practicable, and placed in the hands of the assessor. (e)

SECTION 44. On the return of the extra assessments, the county commissioners shall thereupon cause the same to be added to the return required by the first section of this act, and a full and correct copy thereof to be made, containing the names of all persons so returned as resident taxables in said election district, and furnish the same, together with the necessary election blanks, to the officers of the election in such election district on or before seven o'clock on the morning of the election. (f)‡

SECTION 45. The commissioners of every county shall, on or before eight of the clock in the morning of the day of every general, special,

* The provisions of this section greatly changed by the general election law of January 30, 1874.—See § 31, 32, and 33, *ante*.

† Repealed as to Bradford, Wyoming, Tioga, Susquehanna, Wayne, Montgomery, and Clinton counties, by act of April 9, 1844, P. L. p. 220.

‡ See *post*. for forms of blanks and oaths. See also § 31, *ante*, as to return mentioned in this section.

(a) Act of June 13, 1840, § 6, P. L. p. 685. (d) Act of June 13, 1840, § 3, P. L. p. 684.
 (b) Act of June 13, 1840, § 5, P. L. p. 685. (e) Act of Jan. 30, 1874, § 2, P. L. p. 32.
 (c) Act of July 2, 1839, § 59, P. L. p. 531. (f) Act of Jan. 30, 1874, § 3, P. L. p. 33.

electoral and township election, and at the times hereinafter specified, perform the following duties:

First. At elections, as aforesaid, they shall cause to be delivered to one of the inspectors of every election district, within their respective counties, a sufficient number of boxes to contain the tickets, (unless the same has already been provided for said township,) blank forms of election oaths, tally papers and returns made out in a proper manner, and headed as the nature of the election may require.

Second. At special and township elections, they shall, in addition to the foregoing, deliver to the aforesaid inspectors certified copies, under seal of office, of the duplicate copies delivered them to file in their respective offices, by the respective assessors of wards, townships, incorporated districts and boroughs, within their respective counties, pursuant to the directions and provisions contained in the fifth section of this act; also a sufficient number of blank forms of certificates of election, for each person elected to any office voted for at township elections.*

Third. On the day of meeting of the return judges of elections, within their respective counties, they shall immediately, on said judges having met and selected one of their number as president of the board, deliver to said president a sufficient number of blank forms, of duplicate, triplicate and single returns, made out in a proper manner, and headed as the nature of the return may require; also blank forms of certificate of election, for each person elected at such election, made out and headed as the case may require. (a)†

SECTION 46. The county commissioners shall pay all necessary expenses for lights, rent, fuel and stationery, on bills certified by the election officers. (b)

SECTION 47. The commissioners of the several counties are authorized and empowered to fix the compensation for lights, rent and fuel, for election purposes, in each and every township, borough, ward and election district in the respective counties, which said compensation shall be fixed and established at least once every three years, by resolution duly entered upon the minutes of said commissioners, and the said expenses shall be paid by said respective counties, according to the compensation so ascertained and entered upon said minutes, and not otherwise. (c)

‡ Election Boards.

SECTION 48. District election boards shall consist of a judge and two inspectors, who shall be chosen annually by the citizens. Each elector shall have the right to vote for the judge and one inspector, and each inspector shall appoint one clerk. § The first election board for any new district shall be selected, and vacancies in election boards filled, as shall

* By act 11th March, 1852, § 17, so much of this section as requires county commissioners to furnish every election district with a list of the voters residing therein, is repealed, so far as relates to township elections in the county of Lancaster; and it shall be the duty of the inspectors to whom such lists are furnished at the general elections, to preserve the same for use at the township elections, P. L. 129; also, repealed as to spring elections in the city of Reading, and county of Berks, by act of April 1, 1873, § 1, P. L. p. 475. The provisions of the seventeenth section of the act 11th March, 1852, are extended to the counties of Chester, Delaware, Montgomery, Cumberland, Fayette, Adams and Franklin, by act 17th March, 1855, P. L. 99; to the counties of Dauphin and Northumberland, by act 7th May, 1855, P. L. 478. To the county of York, by act 16th March, 1861, P. L. 148; to the county of Washington, by act 1st May, 1861, P. L. 474; to Armstrong county, by act 18th February, 1869, § 1, P. L. p. 205.

† The blank forms mentioned in the third division of this section are now delivered to court or board required to compute the returns.

‡ Judges, inspectors, and clerks of election are each allowed \$1.50 per day, payable out of the county treasury, for every day employed in conducting elections, by act of July 2, 1839, § 92, but their compensation has been changed from time to time by different local enactments.

§ The clerk must be a qualified voter of the district.—See act of July 2, 1839, § 15, P. L. p. 522.

(a) Act of June 13, 1840, § 13, P. L. p. 636. (c) Act of May 8, 1876, § 1, P. L. p. 136.

(b) Act of Jan. 30, 1874, § 22, P. L. p. 42.

be provided by law.* Election officers shall be privileged from arrest upon days of election, and while engaged in making up and transmitting returns, except upon warrant of a court of record or judge thereof, for an election fraud, for felony, or for wanton breach of the peace. In cities they may claim exemption from jury duty during their terms of service. (a)

SECTION 49. No person shall be qualified to serve as an election officer who shall hold, or shall within two months have held any office, appointment or employment in or under the government of the United States or of this State, or of any city, or county, or of any municipal board, commission or trust in any city, save only justices of the peace and aldermen, notaries public, and persons in the militia service of the State; nor shall any election officer be eligible to any civil office to be filled at an election at which he shall serve, save only to such subordinate municipal or local offices, below the grade of city or county offices, as shall be designated by general law. (b) †

SECTION 50. That at the election to be held on the third Tuesday of February next, and at the election annually thereafter, there shall be elected in each election district in the State, as well in those wherein the registration of voters has heretofore been made by officers appointed, and not chosen by the people to perform the duty, as in all others, one person as judge and two inspectors, in conformity with the general laws of the Commonwealth, to conduct the elections for one year. (c) ‡

SECTION 51. The qualified citizens of the several wards, districts, and townships, shall meet in every year, at the time and place of holding the election for constable of such ward, district or township, and then and there elect, as hereinafter provided, two inspectors and one judge of elections. (d)

SECTION 52. Each of such qualified citizens shall vote for one person as judge, and also for one person as inspector of elections, and the person having the greatest number of votes for judge shall be publicly declared to be elected judge; and the two persons having the greatest number of votes for inspectors, shall, in like manner, be declared to be elected inspectors of elections. (e)

SECTION 53. Where any township has been, or shall be, divided in forming an election district, the qualified citizens of each part of such divided township shall severally elect in the manner and at the time and place aforesaid, two inspectors for each of said several election districts, and shall also elect one person to serve as judge of the elections in each district, to perform the duties enjoined by the sixth section of this act. (f) §

SECTION 54. In all election districts where a vacancy exists by reason of the disqualification of the officer, or otherwise, in an election board heretofore appointed, or where any new district shall be formed, the judge or judges of the court of common pleas of the proper county shall, ten days before any general or special election, appoint competent persons to fill said vacancies and to conduct the election in said new districts; and in the appointment of inspectors in any election district both shall not be of the same political party; and the judge of elections shall, in all cases, be of the political party having the majority of votes in said district, as nearly as the said judge or judges can ascertain the fact; and in case of the disagreement of the judges as to the selection of inspectors, the political majority of the judges shall select one of such inspectors, and the minority judge or judges shall select the other. (g)

* See § 52, 53, 54 and 55, *post*.

† By act of April 16, 1838, § 38, P. L. p. 598, election officers are ineligible to any office at elections where they serve.

‡ See § 49, 50 and 51, *post*.

§ See § 86 and 87, *post*.

(a) Constitution, Art. 8, § 14.

(e) Act of July 2, 1839, § 4, P. L. p. 519.

(b) Constitution, Art. 8, § 15.

(f) Act of July 2, 1839, § 7, P. L. p. 520.

(c) Act of January 30, 1874, § 15, P. L. p. 39.

(g) Act of January 30, 1874, § 6, P. L. p. 34.

(d) Act of July 2, 1839, § 3, P. L. p. 519.

SECTION 55. Whenever there shall be a vacancy in an election board on the morning of an election, said vacancy shall be filled in conformity with existing laws. (a)*

SECTION 56. That from and after the passage of this act, in all township elections of this Commonwealth for judges of the general and township elections, where a tie shall exist in the said election of judges, the inspector who shall have the highest number of votes in said election shall appoint a judge for that purpose. (b)

SECTION 57. In case the person who shall have received the second highest number of votes for inspector, shall not attend on the day of any election, then the person who shall have received the second highest number of votes for judge at the next preceding election, shall act as an inspector in his place. And in case the person who shall have received the highest number of votes for inspector shall not attend, the person elected judge shall appoint an inspector in his place; and in case the person elected a judge shall not attend, then the inspector who received the highest number of votes shall appoint a judge in his place; and if any vacancy shall continue in the board for the space of one hour after the time fixed by law for the opening of the election, the qualified voters of the township, ward or district, for which such officer shall have been elected, present at the place of election, shall elect one of their number to fill such vacancy. (c)

SECTION 58. In case any clerk, appointed under the provisions of this act, shall neglect to attend at any election during said year, it shall be the duty of the inspector who appointed said clerk, (or of the person filling the place of such inspector,) to forthwith appoint a suitable person as clerk, qualified as aforesaid, who shall perform said duties for the year. (d)

SECTION 59. In addition to the oath now prescribed by law to be taken and subscribed by election officers, they shall severally be sworn or affirmed not to disclose how any elector shall have voted, unless required to do so as witnesses in a judicial proceeding. All judges, inspectors, clerks and overseers of any election shall, before entering upon their duties, be duly sworn or affirmed in the presence of each other. The judge shall be sworn by the minority inspector, if there shall be such minority inspector, and in case there be no minority inspector then by a justice of the peace or alderman, and the inspectors, overseers and clerks shall be sworn by the judge. Certificates of such swearing or affirming shall be duly made out and signed by the officers so sworn, and attested by the officer who administered the oath. (e)†

SECTION 60. It shall be the duty of the said clerks forthwith to make out two copies of the forms of each of the said oaths or affirmations, which shall be severally subscribed by each of the inspectors, judges and clerks, and the said oaths or affirmations shall be certified under the hands of the persons by whom they shall be administered. (f)

SECTION 61. Whenever the election officers of any election district shall require the election boxes of such district, to hold any election which, by law, they are or shall be required to hold, they shall keep the same securely in their possession without opening, until the morning of such election, and until they shall severally be sworn or affirmed not to disclose how any elector shall have voted, and after being so sworn or affirmed, they shall open the said boxes and burn and totally destroy all the ballots and other papers which they shall find therein, before proceeding to hold such election. (g)

* See § 56, 57 and 58, *post*.

† See *post*. for forms of oaths.

(a) Act of January 30, 1874, § 7, P. L. p. 34.

(b) Act of March 4, 1842, § 84, P. L. p. 53.

(c) Act of July 2, 1839, § 16, P. L. p. 522.

(d) Act of July 2, 1839, § 17, P. L. p. 522.

(e) Constitution, Art 8, § 4, and act of Jan. 30, 1874, § 9, P. L. p. 34.

(f) Act of July 2, 1839, § 22, P. L. p. 523.

(g) Act of Jan. 30, 1874, § 13, P. L. p. 39.

*** Freedom of Elections, mode of conducting same, and right to vote.**

SECTION 62. Elections shall be free and equal; and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage. *(a)*

SECTION 63. All elections by the citizens shall be by ballot. Every ballot voted shall be numbered in the order in which it shall be received, and the number recorded by the election officers on the list of voters, opposite the name of the elector who presents the ballot. Any elector may write his name upon his ticket, or cause the same to be written thereon, and attested by a citizen of the district. *(b)*

SECTION 64. All elections by the citizens shall be by ballot; every ballot voted shall be numbered in the order in which it shall be received, and the number recorded by the clerks on the list of voters opposite the name of the elector from whom received. And any voter voting two or more tickets, the several tickets so voted shall each be numbered with the number corresponding with the number to the name of the voter. Any elector may write his name upon his ticket, or cause the same to be written thereon, and attested by a citizen of the district. *(c)*

SECTION 65. All laws regulating the holding of elections by the citizens, or for the registration of electors, shall be uniform throughout the State, but no elector shall be deprived of the privilege of voting by reason of his name not being registered. *(d)*

SECTION 66. At all elections hereafter held under the laws of this Commonwealth, the polls shall be opened at seven o'clock A. M., and closed at seven o'clock P. M. *(e)*

SECTION 67. The qualified voters of the several counties of this Commonwealth at all general, township, borough and special elections are authorized and required to vote by tickets printed or written, or partly printed and partly written, severally classified as follows:

One ticket shall embrace the names of all judges of courts voted for, and to be labelled outside "judiciary."

One ticket shall embrace the names of all State officers voted for, and be labelled "State."

One ticket shall embrace the names of all county officers voted for, including office of Senator, member and members of assembly, if voted for, and members of Congress, if voted for, and be labelled "county."

One ticket shall embrace the names of all township officers voted for, and be labelled "township."

One ticket shall embrace the names of all borough officers voted for, and be labelled "borough;" and each class shall be deposited in separate ballot boxes. *(f)* †

SECTION 68. At the opening of the polls at all elections it shall be the duty of the judges of election for their respective districts, to designate one of the inspectors, whose duty it shall be to have in custody the registry of voters, and to make the entries therein required by law; and it shall be the duty of the other of said inspectors to receive and number the ballots presented at said election. *(g)*

SECTION 69. The inspectors shall be placed so as most conveniently to receive the tickets of the electors; and over or near to the door, window

* For laws relating to naturalization of aliens, see acts of Congress of April 14, 1802; March 26, 1804; March 3, 1813; March 22, 1816; May 26, 1824; May 24, 1828; July 17, 1862, and July 14, 1870.

† Repealed as to Lackawanna, Luzerne and Wyoming counties—See act of April 6, 1868, § 1, P. L. p. 729. Repealed as to Monroe county, by act of September 6, 1872, P. L. 1873, p. 1118. See act of April 12, 1869, P. L. p. 878, as to mode of voting in York county; also, act of April 8, 1867, P. L. p. 879, as to mode of voting in Washington county, at elections where boroughs and townships vote together.

(a) Constitution, Art. 1, § 5.

(b) Constitution, Art. 8, § 4.

(c) Act of Jan. 30, 1874, § 9, P. L. p. 34.

(d) Constitution, Art. 8, § 7.

(e) Act of Jan. 30, 1874, § 5, P. L. p. 34.

(f) Act of March 30, 1866, § 1, P. L. p. 92.

(g) Act of Jan. 30, 1874, § 8, P. L. p. 34.

or other place at which the tickets are received, the name of the township, ward, or district whose inspectors shall be there placed, shall be written or printed, in legible characters, so that the electors may readily find the inspectors to whom their tickets are to be delivered. *(a)*

SECTION 70. The judges of the elections, within the limits of their respective wards, districts, or townships, shall have power, and are hereby required to decide on the qualifications of any person claiming to vote at any election, whenever the inspectors thereof shall disagree upon the right of such person to vote, but not otherwise; and the inspectors thereof shall, upon such decision, forthwith receive or reject the vote of such person as the case may be. *(b)*

SECTION 71. No inspectors shall receive any ticket from any person other than an elector residing within the township, ward, or district for which such inspector shall have been elected or appointed. *(c)*

SECTION 72. Every voter may deliver written or printed tickets as he shall see cause, but each ticket shall be on a separate piece of paper, folded so as to conceal the name of the person or persons voted for. *(d)*

SECTION 73. It shall be the duty of each inspector who shall receive the ticket of an elector, to call out aloud the name of such elector, which shall be entered by the clerks in separate lists, and the name shall be repeated by each of them, and the inspector shall insert the letter V in the margin of the alphabetical list, opposite to the name of such elector; and if such elector shall have been sworn or affirmed, or produced a certificate or other evidence, as before provided, of having been naturalized, the inspector shall also note the same in the margin of such list, and where proof of residence is made, shall also note the name of the person making such proof. *(e)*

SECTION 74. All tickets folded and endorsed, as aforesaid, and personally delivered by the voter and none other, shall by the respective inspectors, be deposited in separate boxes, according to the office designated on the back of the ticket, and shall there remain until the poll be closed. *(f)*

SECTION 75. The respective inspectors and judges of the elections shall each have the power to administer oaths to any person claiming the right of suffrage, or in regard to any other matter or thing required to be done or inquired into by any of said officers under this act. *(g)*

SECTION 76. The courts of common pleas of the several counties shall have power, within their respective jurisdictions, to appoint overseers of election to supervise the proceedings of election officers, and to make report to the court as may be required; such appointments to be made for any district in a city or county upon petition of five citizens, lawful voters of such election district, setting forth that such appointment is a reasonable precaution to secure the purity and fairness of elections; overseers shall be two in number for an election district, shall be residents therein, and shall be persons qualified to serve upon election boards, and in each case members of different political parties; whenever the members of an election board shall differ in opinion, the overseers, if they shall be agreed thereon, shall decide the question of difference; in appointing overseers of election, all the law judges of the proper court able to act at the time, shall concur in the appointments made. *(h)*

SECTION 77. Said overseers shall have the right to be present with the officers of such election during the whole time the same is held, the votes counted, and the returns made out and signed by the election officers; to keep a list of voters, if they see proper; to challenge any person offering to vote, and interrogate him and his witnesses under oath, in regard to his right of suffrage at said election, and to examine his papers produced; and the officers of said election are required to

(a) Act of July 2, 1839, § 62, P. L. p. 532.

(b) Act of July 2, 1839, § 6, P. L. p. 520.

(c) Act of July 2, 1839, § 68, P. L. p. 534.

(d) Act of July 2, 1839, § 69, P. L. p. 534.

(e) Act of July 2, 1839, § 70, P. L. p. 534.

(f) Act of July 2, 1839, § 71, P. L. p. 534.

(g) Act of Jan. 30, 1874, § 17, P. L. p. 40.

(h) Constitution, Art. 8, § 16.

afford to said overseers, so selected and appointed, every convenience and facility for the discharge of their duties. (a)*

SECTION 78. Whenever any of the qualified electors of this Commonwealth shall be in actual military service, under a requisition from the President of the United States, or by the authority of this Commonwealth, such electors may exercise the right of suffrage in all elections by the citizens, under such regulations as are or shall be prescribed by law, as fully as if they were present at their usual places of election. (b)†

SECTION 79. No man shall be permitted to vote on the day of election whose name is not on the registry list, unless he shall make proof of his right to vote as hereinafter required. (c)‡

SECTION 80. Any person, who shall give, or promise or offer to give, to an elector, any money, reward or other valuable consideration for his vote at an election, or for withholding the same, or who shall give or promise to give such consideration to any other person or party for such elector's vote or for the withholding thereof, and any elector who shall receive or agree to receive, for himself or for another, any money, reward or other valuable consideration for his vote at an election, or for withholding the same, shall thereby forfeit the right to vote at such election, and any elector whose right to vote shall be challenged for such cause before the election officers, shall be required to swear or affirm that the matter of the challenge is untrue before his vote shall be received. (d)

SECTION 81. For the purpose of voting no person shall be deemed to have gained a residence by reason of his presence, or lost it by reason of his absence, while employed in the service, either civil or military, of this State or of the United States, nor while engaged in the navigation of the waters of the State or of the United States, or on the high seas, nor while a student of any institution of learning, nor while kept in any poor-house or other asylum at public expense, nor while confined in public prison. (e)

SECTION 82. On the day of election any person whose name shall not appear on the registry of voters, and who claims the right to vote at said election, shall produce at least one qualified voter of the district as a witness to the residence of the claimant in the district in which he claims to be a voter, for the period of at least two months immediately preceding said election, which witness shall be sworn or affirmed, and subscribe a written or partly written and partly printed affidavit to the facts stated by him, which affidavit shall define clearly where the residence is of the person so claiming to be a voter; and the person so claiming the right to vote shall also take and subscribe a written or partly written and partly printed affidavit, stating to the best of his knowledge and belief, when and where he was born; that he has been a citizen of the United States for one month, and of the Commonwealth of Pennsylvania; that he has resided in the Commonwealth one year, or, if formerly a qualified elector or a native born citizen thereof, and has removed therefrom and returned, that he has resided therein six months next preceding said election; that he has resided in the district in which he claims to be a voter for the period of at least two months immediately preceding said election; that he has not moved into the district for the purpose of voting therein; that he has, if twenty-two years of age or upwards, paid a State

* By acts of Congress, approved February 28, 1871, and June 10, 1872, the Circuit Court of the United States is empowered and directed to appoint, on petition of citizens, supervisors of registration and elections for members of Congress, and it is the duty of the United States marshal, on application of citizens, to appoint deputies to aid said supervisors in the performance of their duties.

† See act of August 25, 1864, P. L. p. 990, regulating elections by soldiers; also, acts of January 27, 1865, and March 10, 1865, P. L. p. 74 and 309, enabling soldiers to vote at certain city, borough, and township elections.

‡ See § 82, 83, and 84, *post.*, as to proof of right to vote.

(a) Act of Jan. 30, 1874, § 4, P. L. p. 33.

(d) Constitution, Art 8, § 8.

(b) Constitution, Art 8, § 6.

(e) Constitution, Art 8, § 13.

(c) Act of Jan. 30, 1874, § 3, P. L. p. 33.

or county tax within two years, which was assessed at least two months and paid at least one month before the election. The said affidavit shall also state when and where the tax claimed to be paid by the affiant was assessed, and when and where and to whom paid; and the tax receipt therefor shall be produced for examination, unless the affiant shall state in his affidavit that it has been lost or destroyed, or that he never received any; and if a naturalized citizen, shall also state when, where and by what court he was naturalized, and shall also produce his certificate of naturalization for examination. But if the person so claiming the right to vote shall take and subscribe an affidavit that he is a native born citizen of the United States, or, if born elsewhere, shall state the fact in his affidavit, and shall produce evidence that he has been naturalized or that he is entitled to citizenship by reason of his father's naturalization, and shall further state in his affidavit, that he is, at the time of making the affidavit, of the age of twenty-one and under twenty-two years; that he has been a citizen of the United States one month, and has resided in the State one year; or, if a native born citizen of the State, and removed therefrom and returned, that he has resided therein six months next preceding said election, and in the election district two months immediate preceding such election, he shall be entitled to vote, although he shall not have paid taxes.* The said affidavits of all persons making such claims, and the affidavits of the witnesses to their residence shall be preserved by the election board, and at the close of the election they shall be enclosed with the list of voters, tally list and other papers required by law to be filed by the return judge with the prothonotary, and shall remain on file therewith in the prothonotary's office, subject to examination as other election papers are. If the election officers shall find that the applicant possesses all the legal qualifications of a voter he shall be permitted to vote, and his name shall be added to the list of taxables by the election officers, the word "tax," being added where the claimant claims to vote on tax, and the word "age," where he claims to vote on age; the same words being added by the clerks in each case, respectively, on the lists of persons voting at such election. (a)

SECTION 83. It shall be lawful for any qualified citizen of the district, notwithstanding the name of the proposed voter is contained on the list of resident taxables, to challenge the vote of such person, whereupon the same proof of the right of suffrage as is now required by law shall be publicly made and acted on by the election board, and the vote admitted or rejected according to the evidence.† Every person claiming to be a naturalized citizen shall be required to produce his naturalization certificate at the election before voting, except where he has been for five years consecutively a voter in the district in which he offers his vote; and on the vote of such person being received, it shall be the duty of the election officers to write or stamp on such certificate the word "voted," with the day, month and year. (b)

SECTION 84. In all elections hereafter the certificate of naturalization, if genuine, shall be conclusive evidence of the facts mentioned therein, and where the person offering to vote claims the right on the payment of tax, the receipt for such tax, if signed by the proper officer, shall be the evidence thereof; if such person does not produce such receipt, then the payment of the tax may be proved by the oath of such person, or other evidence, stating when, where and to whom such tax was paid. (c)

SECTION 85. Hereafter when any new township shall be erected in any county of this Commonwealth, it shall be lawful for the court of quarter sessions of the proper county to authorize the citizens of said new township to hold an election for justices of the peace, and all other township officers, upon such notice as the court may direct. (d) ‡

* See *post.*, for forms of affidavits.

† Proof must conform to section 1, *ante.* See also § 84 and 82, *ante.*

‡ See act of April 3, 1851, sec. 21, P. L., p. 325, for similar provisions as to new boroughs.

(a) Act of Jan. 30, 1874, § 10, P. L. p. 35.

(c) Act of Feb. 13, 1874, § 3, P. L. p. 45.

(b) Act of Jan. 30, 1874, § 11, P. L. p. 36.

(d) Act of April 5, 1849, § 32, P. L. p. 558.

SECTION 86. Whenever it shall become necessary for the citizens of any township in any of the counties of this Commonwealth, which has been or shall be divided in any way in forming any election district or districts, to elect justices of the peace, judges and inspectors of elections, assessors, constables, school directors or other township officers, in pursuance of an act or acts of assembly, the qualified voters of such township shall meet at the usual place of holding their annual township elections respectively, and shall then and there proceed to elect such officers in the manner now provided for by law, and the returns of such election shall be made out in the same manner as is now provided for by the laws of this Commonwealth; and such township election, so held in any township which may be divided as aforesaid, shall be held and conducted only by the judge, inspectors and clerks residing in the district where the place of holding the township election is or may be located, any law to the contrary notwithstanding: *Provided*, That whenever a vacancy happens by death, resignation, removal or otherwise, then the judge or inspector residing in the township and district nearest to the place of holding the township election shall hold and conduct the same. (a)*

SECTION 87. It shall be the duty of judge and inspectors holding and conducting such township election to keep as many separate boxes and separate lists of voters for judges and inspectors of elections, as there are election districts or parts of election districts in such township respectively, in which they shall deposit the votes of the citizens residing within the limits of such districts or parts of districts, for judges and inspectors of the general elections in their particular districts, and the returns thereof shall be made out and certified in conformity with the provisions of the act of the second July, Anno Domini eighteen hundred and thirty-nine, entitled "An Act relating to the elections of this Commonwealth;" and in cases where part only of the township forms in connection with other parts of other townships a general election district, the judge holding such township election shall meet the judge or judges from the other township or townships forming part of such general election district, at the place of holding the general election, and the said judges shall then and there proceed to make out a general return from their respective returns, which shall be signed, certified and returned with their several returns in like manner as is now provided for by law. (b)†

Counting of Votes and Returns.

SECTION 88. When the poll shall be closed, the boxes wherein the tickets shall have been deposited shall be opened one by one, and the inspectors, in the presence of the judge, shall deliberately take out such tickets and shall each read aloud the name or names written or printed thereon, respectively, and the clerks shall each carefully enter, as read, each ticket as it is taken from the box, and keep account of the same on papers prepared for the purpose, so that the number of votes for each candidate tallied thereon, may be readily cast up and known. (c)

SECTION 89. If upon opening any ticket, as aforesaid, there be found any more names written or printed on any of them than there ought to be, or if any two or more such papers be deceitfully folded together, such tickets shall be rejected and not counted among the votes; but no ticket shall be rejected by reason of its containing fewer names than the proper number. (d)

SECTION 90. The said judge shall then take charge of the certificate aforesaid, and on the third day after the day of election shall produce

* See section 179, *post*. as to cases of election of justices of the peace, where a borough forms part of a township or townships, composing together one general election district. See also sections 179, 180, and 181, *post*.

† See § 92, *post*.

(a) Act of March 7, 1840, § 27, P. L. p. 78. (c) Act of July 2, 1839, § 72, P. L. p. 535.

(b) Act of March 7, 1840, § 28, P. L. p. 78. (b) Act of July 2, 1839, § 73, P. L. p. 535.

the same at a meeting of one judge from each district within the same county at the court-house of the said county ; and for the city and county of Philadelphia, at the State house in the said city, except where such judge by sickness or unavoidable accident is unable to attend ; in which case one of the inspectors or clerk shall take charge of said certificate and perform the duties required of said judge: *Provided*, That if the third day after the election shall be Sunday, the meeting shall be held on the Monday next following. (a)

SECTION 91. When the qualified voters of more than one ward, township or district meet at the same place to hold their election, it shall be the duty of the respective judges of said election districts, in addition to the certificates required in the seventy-sixth section of this act, to make out a fair statement and certificate of all the votes which shall have been then and there given for each candidate, distinguishing the office or station which he shall have been voted for ; and one of said judges shall take charge of said certificate, and also of the several certificates made out for each election district, as before directed, and produce the same at a meeting of all the judges in the county, in the manner prescribed in the seventy-eighth section of this act. (b)*

SECTION 92. As soon as the polls shall close, the officers of election shall proceed to count all the votes cast for each candidate voted for, and make a full return of the same in triplicate, with a return sheet in addition, in all of which the votes received by each candidate shall be given after his or her name, first in words and again in figures, and shall be signed by all of said officers and certified by overseers, if any, or if not so certified, the overseers and any officer refusing to sign or certify, or either of them, shall write upon each of the returns his or their reasons for not signing or certifying them. The vote, as soon as counted, shall also be publicly and fully declared from the window to the citizens present, and a brief statement showing the votes received by each candidate shall be made and signed by the election officers as soon as the vote is counted, and the same shall be immediately posted up on the door of the election house for information of the public. The triplicate returns shall be enclosed in envelopes and be sealed in presence of the officers, and one envelope, with the unsealed return sheet, given to the judge, which shall contain one list of voters, tally-paper, and oaths of officers, and another of said envelopes shall be given to the minority inspector. All judges living within twelve miles of the prothonotary's office, or within twenty-four miles, if their residence be in a town, village, or city upon the line of a railroad leading to the county seat, shall, before two o'clock post meridian of the day after the election, and all other judges shall, before twelve o'clock meridian of the second day after the election, deliver said return, together with return sheet, to the prothonotary of the court of common pleas of the county, which said return sheet shall be filed, and the day and hour of filing marked thereon, and shall be preserved by the prothonotary for public inspection. At twelve o'clock on the said second day following any election, the prothonotary of the court of common pleas shall present the said returns to the said court. In counties where there is no resident president judge, the associate judges shall perform the duties imposed upon the court of common pleas, which shall convene for said purpose ; the returns presented by the prothonotary shall be opened by said court and computed by such of its officers and such sworn assistants as the court shall appoint, in the presence of the judge or judges of said court, and the returns certified and certificates of election issued under the seal of the court as is now required to be done by return judges, † and the vote as so computed and certified, shall be made a matter of record in said court. The sessions of the said court shall be open to the public. And in case the return of any election dis-

* The last section partially changed by § 92, *post*.

† See § 97 to 113, *post*.

(a) Act of July 2, 1839, § 76, P. L. p. 535. (b) Act of July 2, 1839, § 77, P. L. p. 535.

trict shall be missing when the returns are presented, or in case of complaint of a qualified elector under oath, charging palpable fraud or mistake, and particularly specifying the alleged fraud or mistake, or where fraud or mistake is apparent on the return, the court shall examine the return, and if in the judgment of the court it shall be necessary to a just return, said court shall issue summary process against the election officers and overseers, if any, of the election district complained of, to bring them forthwith into court, with all election papers in their possession; and if palpable mistake or fraud shall be discovered, it shall, upon such hearing as may be deemed necessary to enlighten the court, be corrected by the court, and so certified; but all allegations of palpable fraud or mistake shall be decided by the said court within three days after the day the returns are brought into court for computation; and the said inquiry shall be directed only to palpable fraud or mistake, and shall not be deemed a judicial adjudication to conclude any contest now or hereafter to be provided by law; and the other of said triplicate returns shall be placed in the box and sealed up with the ballots. Nothing in this act shall require the returns of election of township or borough officers to be made to the court as directed in this section; but all returns of the election of township and borough officers shall be enclosed in a sealed cover, directed to the prothonotary of the court of common pleas of the proper county, and shall, by some one of them, be delivered into his office within three days after every such election, and filed therein.* In counties where there are three or more judges of said court learned in the law, at least two judges shall sit to compute and certify returns, unless unavoidably prevented. If any of the said judges shall himself be a candidate for any office at any election, he shall not sit with the court, or act in counting the returns of such election, and in such cases the other judges, if any, shall act; and if in any county there shall be no judge qualified to hold the said court, under the provisions of this act, present and able to act, then, and in every such case, the register of wills, the sheriff, and the county commissioners of the proper county, shall be and constitute a board who, or a majority of whom, shall have and exercise all the powers and perform all the duties vested in or required to be performed by the court of common pleas of such county, by and under the provisions of this section; but none of the said officers shall act as a member of such board when himself a candidate for any office at the election, the returns of which the said board is required to count under the provisions of this section. The returns required by this act to be presented by the prothonotary of the courts of common pleas of the counties of Philadelphia and Allegheny, respectively, shall be presented to such three or more of the judges of the several courts of common pleas of said counties, respectively, as the judges of said courts, or a majority of them, may designate to perform the duty of receiving, computing, and certifying said returns. When two or more counties are connected for the election of any officer, the courts of such counties shall each appoint a return judge, to meet at such time and place as required by law, to compute and certify the vote of such district. All officers provided for by this act shall be compensated as like officers are paid by existing laws.† Whenever a place has been or shall be provided by the authorities of any city, county, township, or borough for the safe-keeping of the ballot-boxes, the judge and minority inspector shall, after the election shall be finished, and the ballot-box or boxes containing the tickets, list of voters, and other papers, have been securely bound with tape and sealed, and the signatures of the judge and inspectors affixed thereto, forthwith deliver the same, together with the remaining boxes, to the mayor and recorder of such city, or in counties, townships, or boroughs, to such person or persons as the court of common pleas of the proper county may designate, at the place provided, who shall then de-

* See § 94, *post*.

† See note to heading "Election Boards," *ante*; also, act of July 2, 1839, § 78, P. L. p. 536.

posit the said boxes and keep the same to answer the call of any court or tribunal authorized to try the merits of such election. (a)*

SECTION 93. As soon as the election shall be finished, the tickets, list of taxables, one of the lists of voters, the tally papers and one of the certificates of the oath or affirmation, taken and subscribed by the inspectors, judges and clerks, shall all be carefully collected and deposited in one or more of the ballot-boxes; and such box or boxes, being closely bound round with tape, shall be sealed by the inspectors and judge of election, and together with the remaining ballot-boxes, shall within one day thereafter be delivered, by one of the inspectors, to the nearest justice of the peace, who shall keep such boxes containing the tickets and other documents, to answer the call of any persons or tribunal authorized to try the merits of such election, and the other list of voters, tally papers and certificates, shall be enclosed by the said inspectors and judge in a sealed cover, directed to the prothonotary of the court common pleas of the county, and shall by some one of them be delivered into his office within three days thereafter, where the same shall be filed. (b)†

SECTION 94. Returns of the election of township and borough officers shall be directed to the clerk of the court of quarter sessions of the proper county, instead of the prothonotary of the court of common pleas. (c)

SECTION 95. It shall be the duty of the said inspectors and judge to make out a certificate of the election of each township officer aforesaid, which shall be signed by them and delivered to the constable of the proper ward, district or township, and by him delivered to the said officer, or left at his usual place of abode within six days thereafter. (d)

SECTION 96. The clerk of the court of quarter sessions of every county within this Commonwealth shall, within fifteen days after the township elections in each year are returned into his office, to make out, certify and deliver under his hand and seal of office, to the commissioners of his proper county, a list of the names of the persons elected to the offices of assessor and assistant assessors, and the names of the wards, townships, incorporated districts and boroughs within their respective counties, for which they were respectively elected, and shall be allowed therefor the usual fees for equal or similar services, to be paid out of the county treasury. (e)

SECTION 97. The judges of the several election districts, in each county, being met, shall select one of their number to act as president of the board; and, also, select two suitable qualified electors of the county, either members of the board or otherwise, to act as clerks, who, before entering on their duties, shall be severally sworn or affirmed to perform the duties of their office with honesty and fidelity; and on the board being so formed, it shall be the duty of the several return judges to deliver the certificates of election in their respective districts, to the president of said board, who shall cause the clerks, in presence of said board, to add together the number of votes which shall appear, by said certificates, to have been given for any person or persons in respect to each office or station; and said clerks, when not return judges, shall be allowed two dollars per day in full for their services, and when return judges, fifty cents in addition to the pay allowed by law as judges, which, in either case, shall be paid out of the county treasury on a certificate to the commissioners of the proper county, signed by the president of the board. (f)‡

* See § 93.

† See § 114, *post*.

‡ The duties of return judges specified in this section are now to be performed by courts of common pleas, or registers of wills, sheriffs, and county commissioners.—See § 90 and 92, *ante*.

(a) Act of Jan. 30, 1874, § 13, P. L. p. 37.

(b) Act of July 2, 1839, § 74, P. L. p. 535.

(c) Act of Feb. 13, 1874, § 2, P. L. p. 44.

(d) Act of July 2, 1839, § 54, P. L. p. 530.

(e) Act of June 13, 1840, § 9, P. L. p. 686.

(f) Act of July 2, 1839, § 78, P. L. p. 536.

SECTION 98. The clerks shall, thereupon, in presence of the judges, make out returns in the manner hereinafter directed, which shall be signed by all the judges present, and attested by said clerks; and it shall not be lawful for said judges or clerks, in casting up the votes which shall appear to have been given, as shown by the certificates under the seventy-sixth and seventy-seventh sections of this act,* to omit or reject any part thereof, except where, in the opinion of said judges, such certificate is so defective as to prevent the same from being understood and computed in adding together the number of votes; in which case it shall be the duty of said clerks to make out a true and exact copy of said paper or certificate, to be signed by said judges and attested by said clerks, and attached to and transmitted with said return (where the same is directed to be transmitted) to the Secretary of the Commonwealth, and the original paper shall be deposited in the prothonotary's office, and by said officer copied and transmitted, with the return of said election, to the Secretary as aforesaid.†

I. Duplicate returns of all the votes given for every person and persons who shall have been voted for for any office or station which the electors of the county are entitled to choose of themselves, unconnected with any other county or district.

II. Like returns of all the votes given in the county for every person voted for as Governor.

III. Triplicate returns of all the votes given for any person voted for in the county as electors of President and Vice President of the United States. (a)

SECTION 99. When the returns shall be completed, the president of the board of judges aforesaid shall forthwith lodge one of each of such returns in the office of the prothonotary of the court of common pleas of the county; and in the case of an election of electors for President and Vice President of the United States, one other of the returns in the same office, and the other duplicates shall be transmitted as follows, viz:

I. In case of a Governor, the remaining duplicate shall be enclosed in an envelope, directed to the Speaker of the Senate, and endorsed according to the fact, which having been sealed, shall be enclosed in another envelope, sealed and directed to the Secretary of the Commonwealth, and the same shall forthwith be placed, by the said president, in the nearest post office.‡

II. In case of electors of President and Vice President of the United States, and of members of the House of Representatives of the United States, and of county offices to be commissioned by the Governor, the remaining duplicate shall be enclosed in an envelope, sealed and directed to the Secretary of the Commonwealth, and in like manner placed, by the said president, in the nearest post office.§

III. In case of the election of a Senator or Senators of this Commonwealth, the same shall be enclosed in an envelope, sealed and directed "to the Senate of Pennsylvania;" and in case of the election of a member or members of the House of Representatives of this Commonwealth, the same shall, in like manner, be enclosed in an envelope, sealed and

* See § 90 and 92, *ante*.

† The duties of return judges specified in this section are now performed by the courts of common pleas.

‡ Under Article 4, § 2, of the Constitution, returns of election for Governor are required to be directed to the President of the Senate instead of Speaker of the Senate—See § 100, *post*. Returns of election for Lieutenant Governor, Secretary of Internal Affairs, State Treasurer, and Auditor General, are to be disposed of in similar manner as returns for Governor—See act of March 24, 1874, § 2, P. L. p. 48; act of May 11, 1874, § 1, P. L. p. 135; act of April 28, 1873, § 4, P. L. p. 78; act of April 9, 1850, § 3, P. L. p. 434.

§ The county officers to be commissioned by the Governor are sheriffs, coroners, prothonotaries, clerks of courts of quarter sessions, oyer and terminer and orphans' courts, registers of wills and recorders of deeds—See § 106, *post*. as to returns of election of prothonotaries, clerks of courts, registers and recorders.

(a) Act of July 2, 1839, § 79, P. L. p. 536.

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directed "to the House of Representatives of Pennsylvania;" and each of said returns shall be enclosed in an envelope, and directed to the Secretary of the Commonwealth, and in like manner placed, by said president, in the nearest post office. (a)

SECTION 100. The returns of every election for Governor shall be sealed up and transmitted to the seat of government, directed to the President of the Senate; who shall open and publish them in the presence of the members of both Houses of the General Assembly. (b)*

SECTION 101. When two or more counties shall compose a district for the choice of a member or members of the Senate of this Commonwealth, or of the House of Representatives of the United States, or of this Commonwealth, the judges of the election, in each county, having met, as aforesaid, the clerks shall make out a fair statement of all the votes which shall have been given at such election, within the county, for every person voted for as such member or members, which shall be signed by said judges, and attested by the clerks; and one of the said judges shall take charge of such certificate, and shall produce the same at a meeting of one judge from each county, at such place, in such district, as is or may be appointed by law for the purpose; which meeting shall be held on the seventh day after the election. (c)

SECTION 102. The judges of the several counties having met as aforesaid, shall cast up the several county returns, and make duplicate returns of all the votes given for such office, in said district, and of the name of the person or persons elected; and one of said returns, for each office, shall be deposited in the office of the prothonotary of the court of common pleas of the county in which they shall meet, and the other shall be by said judges deposited in the nearest post office, sealed and directed to the Secretary of the Commonwealth, in the manner directed in parts two and three of the eightieth section of this act. (d)†

SECTION 103. That duplicate returns of all the votes given in each county for judges of the Supreme Court, and all judges which the qualified electors of such county are entitled to elect of themselves, unconnected with any other county or district, shall be made out by the prothonotary of the court of common pleas of such county, under the direction of said court, at their meeting, to receive and compute the returns of the preceding election, agreeably to the provisions of the thirteenth section of the act, entitled "A further supplement to the act regulating elections in this Commonwealth," approved January thirtieth, one thousand eight hundred and seventy-four, one of which returns shall be filed and entered of record in the office of the prothonotary of such court, and the other return such prothonotary shall inclose in a sealed envelope, and direct and immediately mail to the Secretary of the Commonwealth. (e)‡

SECTION 104. That in case of the election of a president or of an additional law judge in any judicial district, composed of two or more counties, on the day of the sitting of the court, or other person authorized by law to receive and compute returns in each of such counties, the prothonotary of the courts opens, and in their presence shall make out a return of all the votes which shall be given at such election within the county, for every person voted for as such president or additional law judge, which shall be properly attested by the seal of the court; and the said court, or persons receiving and computing said returns, shall thereupon appoint one of the judges of election in said county to take

* The duties imposed upon the president of the board of return judges by this section are now to be performed by the court or board computing the returns—See § 90 and 92, *ante*.

† See § 99, *ante*.

‡ See act of May 19, 1874, § 3, P. L. p. 206, and act of May 15, 1851, § 5, P. L. p. 649.

(a) Act of July 2, 1839, § 80, P. L. p. 537. (d) Act of July 2, 1839, § 82, P. L. p. 538.

(b) Constitution, Art. 4, § 2.

(e) Act of April 9, 1874, § 5, P. L. p. 56.

(c) Act of July 2, 1839, § 81, P. L. p. 538.

charge of such returns, and produce the same at a meeting of the judges so appointed in each of the counties composing said district, which meeting shall be held on the seventh day after the election, at the court house of one of the counties, to be ascertained, taking said counties alternately in alphabetical order. (a)

SECTION 105. That the return judges from the several counties as aforesaid, having so met, shall cast up the several county returns, and shall make three copies of a general return of all the votes cast in the district for such office, each of which they shall certify, one of which they shall lodge in the office of the prothonotary of the county in which they so meet, another of which they shall enclose, seal and direct to the Secretary of the Commonwealth, and the third, they shall deliver to the person, appearing from such general return, to have received the largest number of votes cast. (b)

SECTION 106. It shall be the duty of the return judges of the election for representatives for each county when they meet, to make out returns for representatives, also to make out true duplicate returns of the elections of prothonotaries, clerks, recorders of deeds, and registers of wills, one of which said returns shall be filed in the prothonotary's office of the proper county, and the other return shall be immediately transmitted by the sheriff, by mail, to the Secretary of the Commonwealth, to be filed in his office; and it shall be the duty of such return judges to give to each person elected to any or all of the said offices, a certificate of his election. (c)*

SECTION 107. In cases of election of county commissioners and county auditors, one copy of the return of election shall be enclosed in an envelope, sealed and directed "to the commissioners" of the proper county. (d)†

SECTION 108. Duplicate returns of the elections of county surveyors shall be made out and certified by the return judges, in the manner prescribed by the laws regulating the general elections of this Commonwealth; one copy whereof shall be filed with the clerk of the court of quarter sessions of the proper county, and the other transmitted by mail to the Surveyor General, to be filed in his office; and notice of his election shall be given by the return judges to the person receiving the highest number of votes. (e)‡

SECTION 109. The return judges of the said city and county, and of each county in the State, shall when they meet as now required by law, faithfully add up the votes given at said election for district attorney, and he who has the highest number of votes shall be declared duly elected; and they shall make out duplicate certificates, one of which shall be delivered to the person thus declared elected, and the other to the prothonotary of the court of common pleas of the proper county. (f)§

SECTION 110. It shall also be the duty of the return judges, in every case, to transmit to each of the persons elected to serve in Congress, or in the Senate, or in the House of Representatives of this Commonwealth, a certificate of his election, within five days after the day of making up such return. (g)||

* The duties imposed upon the return judges by this section, are now performed by the court, or board computing the returns—See § 92, *ante*.

† By act of May 27, 1841, § 2, P. L. p. 400, the returns of election of county treasurers are directed to be made in the same manner as returns of election of county commissioners.

‡ Copy of return should be sent to the Secretary of Internal Affairs, instead of the Surveyor General, as that officer is the successor of the Surveyor General.

§ See § 92, *ante*.

|| The duty imposed upon the return judges by this section are now performed by the court or board computing the returns—See § 92, *ante*.

(a) Act of April 9, 1874, § 6, P. L. p. 56.

(b) Act of April 9, 1874, § 7, P. L. p. 57.

(c) Act of July 2, 1839, § 3, P. L. p. 555.

(d) Act of June 13, 1840, § 8, P. L. p. 687.

(e) Act of April 9, 1850, § 6, P. L. p. 434.

(f) Act of May 3, 1850, § 2, P. L. p. 654.

(g) Act of July 2, 1839, § 83, P. L. p. 538.

SECTION 111. Every return judge shall be allowed out of the treasury of his proper county, the sum of ten cents for every mile he shall necessarily have traveled in going to the place appointed by law for the meeting of return judges, and in returning thence to his own house. (a)

SECTION 112. Every judge, as aforesaid, shall be allowed six cents per mile for each mile necessarily traveled in delivering the return of the township election of his proper township to the clerk of the court of quarter sessions; said mileage to be computed circular, and paid out of the county treasury, on orders drawn by the commissioners in the usual manner: *Provided*, That no compensation shall be paid where the return is not delivered within the time prescribed by law; and no daily pay shall be allowed for making returns of township elections. (b)

SECTION 113. Constables, supervisors or assessors, as the case may be, of any ward, township, incorporated district or borough, shall be allowed and paid out of the county treasury two dollars for advertising ward, township, district and borough elections; said constables shall also be allowed and paid as aforesaid, twenty cents for delivering to each township officer a certificate of his election. (c)

SECTION 114. That the officers and other persons holding and conducting elections for aldermen and justices of the peace, shall make true duplicate returns of such elections, one of which shall be handed by the constable to the prothonotary of the proper county, to be filed in his office; and the said prothonotary shall forthwith send a certified copy of such return to the Secretary of the Commonwealth. (d)

SECTION 115. Duplicate returns of all elections for school directors shall be made out, signed and sealed by the judges, and delivered by the constable or proper officer of said election, one to the board of directors, and the other to the court of quarter sessions of the county, within ten days thereafter, and each person elected a director shall be notified thereof, in writing, within five days after the election, by the constable or other officer who held the election. (e)*

SECTION 116. The judge, inspectors and clerks of each election district of any borough, ward or township in the counties of this Commonwealth, which shall have been divided by the court into separate election districts, shall make out a complete return of all the votes given at any borough, ward or township election, designating the number of votes each person received; and the judge and inspectors shall appoint one of their number for return judge, to meet the other return judge or judges of the said borough, ward or township in said county, at the oldest election place, on the third day after any borough, ward or township election, and then add together the number of votes given for each person voted for, and make out the returns as the nature of the election may require, complying in all respects with the provisions of existing election laws; and after the performance of said duties appoint one of their number, by consent or lot, to deliver the full returns to the court of quarter sessions of said county, in the same manner now provided by law for making township returns: *Provided*, The provisions of this act shall not affect any existing election law relative to the city of Philadelphia, city of Pittsburg, and Erie. (f)†

SECTION 117. It shall be the duty of the prothonotary of every county to whom the return of any election shall be delivered by the judges as aforesaid, where said judges are required to send a copy of said return to the Secretary of the Commonwealth, to make out a copy of such return, certified under his hand and official seal, and forthwith to transmit such copy, under a sealed cover, to the Secretary of the Commonwealth,

* See § 183, *post.*, for provisions in cases of tie vote or vacancies in elections for school directors, and § 184, *post.*, for provisions relative to elections of directors in independent districts.

† See § 86, 87, 92 and 94, *ante.*

(a) Act of July 2, 1839, § 93, P. L. p. 540. (d) Act of June 21, 1839, § 2, P. L. p. 379.

(b) Act of June 13, 1840, § 10, P. L. p. 687. (e) Act of May 8, 1854, § 6, P. L. p. 618.

(c) Act of June 13, 1840, § 11, P. L. p. 687. (f) Act of April 2, 1860, § 1, P. L. p. 609.

by placing the same in the nearest post office. It shall also be the duty of the prothonotary of every county to record all the election returns in a book to be procured for that purpose, and to lay the returns of the election of county commissioners and county auditors, and of all township officers, before the court of quarter sessions of such county. (a)

SECTION 118. If the returns of any election, which by this law are directed to be transmitted to the Secretary of the Commonwealth, shall not be received within fifteen days after the same are required to be deposited in the post office, it shall be the duty of said secretary to forthwith notify the prothonotary of the proper county to transmit, without delay, a certified copy of such returns. (b)

SECTION 119. Each person elected a county treasurer shall, before entering into the duties of his office, give bonds, with security, in the manner and on the conditions prescribed in the thirty-third and thirty-fourth sections of the act of April 15, 1834; and it shall be the duty of the county commissioners, after the bonds and surety are given and approved, to give the person so elected, a certificate of his appointment in the form and manner prescribed by the thirty-first section of said act, and forward a certificate thereof to the Auditor General, and such certificate shall be recorded as in said act directed. (c)

SECTION 120. Certificates of the election of all borough officers shall be filed among the records of the corporation. (d)

Contested Elections.

SECTION 121. The trial and determination of contested elections of electors of President and Vice President, members of the General Assembly, and of all public officers, whether State, judicial, municipal, or local, shall be by the courts of law, or by one or more of the law judges thereof; the General Assembly shall, by general law, designate the courts and judges by whom the several classes of election contests shall be tried, and regulate the manner of trial and all matters incident thereto; but no such law assigning jurisdiction, or regulating its exercise, shall apply to any contest arising out of an election held before its passage. (e)*

Duties of Peace Officers.

SECTION 122. It shall be the duty of every mayor, sheriff, deputy sheriff, alderman, justice of the peace, and constable or deputy constable, of every city, county, and township, or district, within this Commonwealth, whenever called upon by any officer of an election, or by any three qualified electors thereof, to clear any window, or avenue to any window, at the place of the general election, which shall be obstructed in such a way as to prevent voters from approaching the same, and on neglect or refusal to do on such requisition said officer shall be deemed guilty of a misdemeanor in office, and, on conviction, shall be fined in any sum not less than one hundred nor more than one thousand dollars; and it shall be the duty of the respective constables of each ward, district, or township within this Commonwealth, to be present in person or by deputy, at the place of holding such elections in said ward, district, or township, for the purpose of preserving the peace, as aforesaid. (f)

SECTION 123. It shall be the duty of every peace officer, as aforesaid, who shall be present at any such disturbance at an election as is described in this act, to report the same to the next court of quarter sessions, and also the names of the witnesses who can prove the same; and it

* See the several acts of Assembly providing for the trial and determination of contested elections, and especially the act of May 19, 1874, P. L. 208, and the several supplements thereto.

(a) Act of July 2, 1839, § 84, P. L. p. 539.

(b) Act of July 2, 1839, § 86, P. L. p. 539.

(c) Act of May 27, 1841, § 4, P. L. p. 400.

(d) Act of April 3, 1851, § 20, P. L. p. 325.

(e) Constitution, Art. 8, § 17.

(f) Act of July 2, 1839, § 111, P. L. p. 543.

shall be the duty of said court to cause indictments to be preferred before the grand jury against the persons so offending. (a)

SECTION 124. That each and every constable of this Commonwealth, except in the city and county of Philadelphia, who shall attend at the general and township elections in their several districts, as required by law, shall receive for said services one dollar per day from the county fund. (b)*

Penal Provisions.

SECTION 125. Any person who shall, while a candidate for office, be guilty of bribery, fraud, or willful violation of any election law, shall be forever disqualified from holding an office of trust or profit in this Commonwealth; and any person convicted of willful violation of the election laws shall, in addition to any penalties provided by law, be deprived of the right of suffrage absolutely for a term of four years. (c)

SECTION 126. In trials of contested elections and in proceedings for the investigation of elections, no person shall be permitted to withhold his testimony upon the ground that it may criminate himself or subject him to public infamy; but such testimony shall not be used against him in any judicial proceeding except for perjury in giving such testimony. (d)

SECTION 127. If any judge or minority inspector refuses or fails to swear the officers of election in the manner required by this act, or if any election officer shall act without first being duly sworn, or if any officer of election shall sign the form of oath without being duly sworn, or if any judge or minority inspector shall certify that any officer was sworn when he was not, it shall be deemed a misdemeanor, and upon conviction, the officer or officers so offending shall be fined not exceeding one thousand dollars, or imprisoned not exceeding one year, or both, in the discretion of the court. (e)

SECTION 128. If said election officers shall refuse to permit said overseers to be present, and perform their duties as aforesaid, such officer or officers shall be guilty of a misdemeanor, and on conviction thereof shall be fined not exceeding one thousand dollars, or imprisoned not exceeding one year, or both, in the discretion of the court; or if the overseers shall be driven away from the polls by violence or intimidation, all the votes polled in such election district may be rejected by the proper tribunal trying a contest under said election, or a part or portion of such votes aforesaid may be counted, as such tribunal may deem necessary to a just and proper disposition of the case. (f)

SECTION 129. If any election officer or officers shall receive a second vote on the same day, by virtue of the same certificate of naturalization, excepting where sons are entitled to vote, because of the naturalization of their fathers, they and the person who shall offer such second vote shall be guilty of a misdemeanor, and on conviction thereof, shall be fined or imprisoned, or both, at the discretion of the court; but the fine shall not exceed five hundred dollars in each case, nor the imprisonment one year. The like punishment shall be inflicted, on conviction, on the officers of election who shall neglect or refuse to make, or cause to be made, the indorsement required as aforesaid on said naturalization certificate. (g)

SECTION 130. If any election officer shall refuse or neglect to require such proof of the right of suffrage as is prescribed by this law, or the laws to which this is a supplement, from any person offering to vote whose name is not on the list of assessed voters, or whose right to vote is challenged by any qualified voter present, and shall admit such person

* The attendance of constables upon elections in Bradford and Susquehanna counties is directed to be paid by the respective townships and boroughs, by act of March 19, 1869, § 2, P. L. p. 441.

(a) Act of July 2, 1839, § 112, P. L. p. 543.

(b) Act of March 31, 1854, § 1, P. L. p. 250.

(c) Constitution, Art. 8, § 9.

(d) Constitution, Art. 8, § 10.

(e) Act of Jan. 30, 1874, § 9, P. L. p. 35.

(f) Act of Jan. 30, 1874, § 4, P. L. p. 34.

(g) Act of Jan. 30, 1874, § 11, P. L. p. 36.

to vote without requiring such proof, every person so offending shall, upon conviction, be guilty of a misdemeanor, and shall be sentenced for every such offense to pay a fine not exceeding five hundred dollars, or to undergo an imprisonment not more than one year, or both, at the discretion of the court. (a)

SECTION 131. The respective assessors, inspectors and judges of the elections shall each have power to administer oaths to any person claiming the right to be assessed, or the right of suffrage, or in regard to any other matter or thing required to be done or inquired into by any of said officers under this act; and any willful false swearing by any person in relation to any matter or thing, concerning which they may be lawfully interrogated by any of said officers or overseers, shall be perjury. (b)

SECTION 132. It shall not be lawful for any assessor to assess a tax against any person whatever within sixty-one days next preceding the annual election in November; any violation of this provision shall be a misdemeanor, and subject the officer so offending to a fine, on conviction, not exceeding one hundred dollars, or to imprisonment not exceeding three months, or both, at the discretion of the court. (c)

SECTION 133. Any assessor, election officer or person appointed as an overseer, who shall neglect or refuse to perform any duty enjoined by this act, without reasonable or legal cause, shall be subject to a penalty of one hundred dollars; and if any assessor shall knowingly assess any person as a voter who is not qualified, or shall willfully refuse to assess any one who is qualified, he shall be guilty of a misdemeanor in office, and on conviction be punished by a fine not exceeding one thousand dollars, or imprisonment not exceeding two years, or both, at the discretion of the court, and also be subject to an action for damages by the party aggrieved; and if any person shall fraudulently alter, add to, deface or destroy any list of voters made out as directed by this act, or tear down or remove the same from the place where it has been fixed, with fraudulent or mischievous intent, or for any improper purpose, the person so offending shall be guilty of a misdemeanor, and on conviction shall be punished by a fine not exceeding five hundred dollars, or imprisonment not exceeding two years, or both, at the discretion of the court; and if any person shall, by violence or intimidation, drive, or attempt to drive from the polls, any person or persons appointed by the court to act as overseers of an election, or in any way willfully prevent said overseers from performing the duties enjoined upon them by this act, such person shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding two years, or both, at the discretion of the court. Any person who shall, on the day of any election, visit a polling place in any election district at which he is not entitled to vote, and shall use any intimidation or violence for the purpose of preventing any officer of election from performing the duties required of him by law, or for the purpose of preventing any qualified voter of such district exercising his right to vote, or from exercising his right to challenge any person offering to vote, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding two years, or both, at the discretion of the court. Any clerk, overseer or election officer, who shall disclose how any elector shall have voted, unless required to do so as a witness in a judicial proceeding, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding two years, or both, in the discretion of the court. (d)

SECTION 134. If any prothonotary, clerk, or the deputy of either, or any other person, shall affix the seal of any court to any naturalization paper, or permit the same to be affixed, or give out, or cause or permit such naturalization paper to be given out in blank, whereby it may be

(a) Act of Jan. 30, 1874, § 12, P. L. p. 37.

(b) Act of Jan. 30, 1874, § 17, P. L. p. 40.

(c) Act of Jan. 30, 1874, § 18, P. L. p. 40.

(d) Act of Jan. 30, 1874, § 19, P. L. p. 40.

fraudulently used, or furnish a naturalization certificate to any person who shall not have been duly examined and sworn in open court, in the presence of some of the judges thereof, according to the act of Congress, or shall aid in, connive at, or in any way permit the issue of any fraudulent naturalization certificate, he shall be guilty of a misdemeanor; or if any one shall fraudulently use any such certificate of naturalization, knowing that it was fraudulently issued, or shall vote or attempt to vote thereon, or if any one shall vote or attempt to vote on any certificate of naturalization not issued to him, he shall be guilty of a misdemeanor; and either or any of the persons, their aiders or abettors, found guilty of either of the misdemeanors aforesaid, shall be fined in a sum not exceeding one thousand dollars, and imprisoned in the proper penitentiary for a period not exceeding three years. (a)

SECTION 135. Any person who, on oath or affirmation, in or before any court in this State, or officer authorized to administer oaths, shall, to procure a certificate of naturalization for himself or any other person, wilfully depose, declare or affirm any matter to be fact, knowing the same to be false, or shall in like manner deny any matter to be fact, knowing the same to be true, shall be deemed guilty of perjury; and any certificate of naturalization issued in pursuance of any such deposition, declaration or affirmation, shall be null and void; and it shall be the duty of the court issuing the same, upon proof being made before it that it was fraudulently obtained, to take immediate measures for recalling the same for cancellation; and any person who shall vote or attempt to vote on any paper so obtained, or who shall in any way aid in, connive at or have any agency whatever in the issue, circulation or use of any fraudulent naturalization certificate, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall undergo an imprisonment in the penitentiary for not more than two years, and pay a fine not more than one thousand dollars, for every such offense, or either or both, at the discretion of the court. (b)

SECTION 136. All funds arising from fines imposed and collected in pursuance of the foregoing sections, shall be applied to the common schools of the county in which said fines may have been collected, and to be apportioned among the several school districts according to the population thereof. (c)

SECTION 137. It shall be the duty of the several courts of quarter sessions of this Commonwealth, at the next term of said court after any election shall have been held under this act, to cause the respective constables in said county to be examined on oath, as to whether any breaches of the peace took place at the election within their respective townships, wards or districts; and it shall be the duty of said constables respectively to make return thereof as part of their official return at said court. (d)

SECTION 138. If it shall be made appear to any court of quarter sessions of this Commonwealth that any riot or disturbance occurred at the time and place or holding any election under this act, and the constables who are enjoined by law to attend at such elections have not given information thereof, according to the provisions of this act, it shall be the duty of said court to cause the officer or officers, so neglecting the duty aforesaid, to be proceeded against by indictment for a misdemeanor in office, and on conviction thereof, the said officer shall be fined in any sum, not exceeding one hundred dollars. (e)

SECTION 139. If any elector, authorized to vote at any public election, shall directly or indirectly accept or receive from any person, any gift or reward in money, goods or other valuable thing, under an agreement or promise, express or implied, that such elector shall give his vote for any particular candidate or candidates at such election, or shall accept or receive the promise of any person that he shall thereafter receive any gift or reward in money, goods or other valuable thing, any office, ap-

(a) Act of Jan. 30, 1874, § 20, P. L. p. 41.

(d) Act of July 2, 1839, § 114, P. L. p. 543.

(b) Act of Jan. 30, 1874, § 21, P. L. p. 41.

(e) Act of July 2, 1839, § 113, P. L. p. 543.

(c) Act of Jan. 30, 1874, § 25, P. L. p. 42.

pointment or employment, public or private, or any personal or pecuniary advantage whatsoever, under such an agreement or promise, express or implied, such elector shall be guilty of a misdemeanor, and shall, on conviction of either of said offences, be sentenced to pay a fine not exceeding one hundred dollars, and undergo an imprisonment not exceeding six months. (a)

SECTION 140. Any person who shall directly or indirectly give or offer to give any such gift or reward to any such elector, with the intent to induce him to vote for any particular candidate or candidates at such election, or shall directly or indirectly procure or agree to give any such gift or reward to such elector, with the intent aforesaid, or shall, with the intent to influence or intimidate such elector to give his vote for any particular candidate or candidates at such election, give, offer or promise to give to such elector any office, place, appointment or employment, or threaten such elector with dismissal or discharge from any office, place, appointment or employment, public or private, then held by him, in case of his refusal to vote for any particular candidate or candidates at such election, the person so offending shall be guilty of a misdemeanor, and on conviction be sentenced to pay a fine not exceeding five hundred dollars, and undergo an imprisonment not exceeding two years. (b)*

SECTION 141. If the constables or supervisors of any township, ward or district shall neglect or refuse to perform the duties herein required of him or them, they shall respectively, on conviction, be fined in any sum not less than fifty nor more than one hundred dollars. (c)

SECTION 142. If the commissioners of any county shall wilfully omit to insert in the list of taxables, delivered by them to the inspectors, as before directed, the name of any person duly assessed and returned to them by the assessor, they shall, on conviction thereof, be fined and severally pay any sum not less than fifty nor more than one hundred dollars. (d)†

SECTION 143. It shall not be lawful for any county treasurer, county commissioner or commissioners, or any collector of taxes in any township, ward or district, nor for any other person on his or their behalf, to receive payment or give any receipt for the payment of any taxes that have not been duly assessed, and returns of said assessment made according to law; nor shall any such treasurer, commissioner or commissioners, or collector or other person on his or their behalf, receive payment or give any receipt for the payment of any taxes, from the payment of which the party assessed has been exonerated according to law, unless the party so exonerated shall himself appear in his own proper person and tender payment of the taxes from which he had been so exonerated; and it shall not be lawful for any commissioner or commissioners of any county, or for any other person on his or their behalf, to add any name or names to the duplicate return or list of taxables, made or furnished by the assessor or assistant assessors of any township, ward or district; and if any such treasurer, commissioner, commissioners or collector, or other person on his or their behalf, shall violate any of the provisions of this section, he shall, upon conviction thereof, before any court having competent jurisdiction, pay a fine of one hundred dollars, for the use of the Commonwealth, and shall moreover be forthwith removed from office, and the vacancy thereby occasioned in either of said offices shall be filled or supplied as in other cases of vacancies in such office. (e)

SECTION 144. If any person elected to serve as inspector or judge as aforesaid, and having received due notice thereof, shall neglect, or without good cause refuse, to attend on the day of election at the time appointed by law, he shall in every such case forfeit the sum of twenty dollars. (f)

* See § 80, *ante*.

† See § 163, *post*.

(a) Act of March 31, 1860, § 50, P. L. p. 396. (d) Act of July 2, 1839, § 98, P. L. p. 541.

(b) Act of March 31, 1860, § 51, P. L. p. 396. (e) Act of May 27, 1841, § 8, P. L. p. 402.

(c) Act of July 2, 1839, § 97, P. L. p. 541. (f) Act of July 2, 1839, § 99, P. L. p. 541.

SECTION 145. If any inspector, judge or clerk, as aforesaid, shall neglect or refuse to take upon himself the duties of such office, he shall forfeit and pay the sum of fifty dollars, or having entered upon the same, shall afterwards neglect or refuse to perform the duties thereof, according to law, he shall forfeit and pay the sum of one hundred dollars for every such offence. (a)

SECTION 146. If any inspector, judge or clerk of an election, shall presume to act in such capacity before taking and subscribing the oath required by this act, he shall on conviction be fined in any sum not less than fifty, nor more than two hundred dollars. (b)

SECTION 147. If any inspector, judge or clerk, as aforesaid, shall be convicted of any willful fraud in the discharge of his duties, as aforesaid, he shall undergo an imprisonment for any term not less than three nor more than twelve months, and be fined in any sum not less than one hundred dollars, nor more than five hundred dollars, and shall be for seven years thereafter disabled from holding any office of honor, trust or profit in this Commonwealth, and shall moreover be disabled for the term aforesaid, from giving his vote at any general or special election within this Commonwealth. (c)*

SECTION 148. If any inspector or judge of an election shall, knowingly, reject the vote of any qualified citizen, or knowingly receive the vote of any person not qualified, or conceal from his fellow officers any fact on the knowledge of which such vote should by law be received or rejected, each of the persons so offending shall, on conviction, be punished in the manner prescribed in the one hundred and seventh section of this act. (d)†

SECTION 149. If any such inspector or judge shall receive the vote of any person whose name shall not be returned on the list furnished by the commissioners or assessor, without first requiring the evidence directed in this act, the person so offending shall, on conviction, be fined in any sum not less than fifty nor more than two hundred dollars. (e)

SECTION 150. If any judge of an election, inspector, clerk, or other person, before the poll shall be closed, shall unfold, open, or pry into any ticket, with a design to discover the name of any candidate therein, every person so offending shall, on conviction, be fined in any sum not less than fifty nor more than one hundred dollars, and imprisoned for any time not less than one nor more than three months. (f)

SECTION 151. If any person shall embezzle or unlawfully deface, alter, change, substitute, or destroy any ticket, list of voters, tally paper, or certificate, taken or made at any election as aforesaid, he shall, on conviction, suffer imprisonment for a term not less than twelve months nor more than three years, at the discretion of the court, and be fined in any sum not less than one hundred nor more than one thousand dollars. (g)‡

SECTION 152. If the commissioners of any county shall add, or knowingly permit to be added, the name of any person to the list of taxable inhabitants furnished them by the assessor, and shall return such name to the inspectors of election, each commissioner concerned therein shall, on conviction thereof, be fined in any sum not less than fifty nor more than two hundred dollars. (h)§

SECTION 153. If any assessor shall intentionally neglect or refuse to assess any citizen of this Commonwealth, who is or shall be subject to assessment by law, or shall in like manner neglect or refuse to return the name of the person so assessed to the commissioners of the proper county, or intentionally neglect or refuse to perform any other duty en-

* See § 127, 128, 129, 130, *ante*.

† See § 127 to 130, *ante*.

‡ See § 133, *ante*.

§ See § 163, *post*.

(a) Act of July 2, 1839, § 100, P. L. p. 541.

(b) Act of July 2, 1839, § 101, P. L. p. 541.

(c) Act of July 2, 1839, § 102, P. L. p. 542.

(d) Act of July 2, 1839, § 103, P. L. p. 542.

(e) Act of July 2, 1839, § 104, P. L. p. 542.

(f) Act of July 2, 1839, § 105, P. L. p. 542.

(g) Act of July 2, 1839, § 106, P. L. p. 542.

(h) Act of July 2, 1839, § 107, P. L. p. 542.

joined on him by the provisions of this act, he shall, on conviction thereof, be fined in any sum not less than fifty nor more than two hundred dollars. (a)*

SECTION 154. If the commissioners of any county shall neglect or refuse to furnish the inspectors of each election district within the said county, the lists, papers, and boxes required by the sixtieth section of this act, each commissioner shall be subject to a penalty of fifty dollars. (b)†

SECTION 155. If any person shall prevent or attempt to prevent any officer of an election under this act from holding such election, or use or threaten any violence to any such officer, or shall interrupt or improperly interfere with him in the execution of his duty, or shall block up or attempt to block up the window or avenue to any window where the same may be holden, or shall riotously disturb the peace at such election, or shall use or practice any intimidation, threats, force, or violence with design to influence unduly, or overawe any elector, or to prevent him from voting, or to restrain the freedom of choice, such person, on conviction, shall be fined in any sum not exceeding five hundred dollars, and be imprisoned for any time not less than one nor more than twelve months; and if it shall be shown to the court where the trial of such offence shall be had, that the person so offending was not a resident of the city, ward, district, or township where the said offence was committed, and not entitled to vote therein, then, on conviction, he shall be sentenced to pay a fine of not less than one hundred nor more than one thousand dollars, and be imprisoned not less than six months nor more than two years. (c)*

SECTION 156. If any person not by law qualified shall fraudulently vote at any election within this commonwealth, or being otherwise qualified, shall vote out of his proper district; or if any person knowing the want of such qualification, shall aid or procure such person to vote, the person or persons so offending shall, on conviction, be fined in any sum not exceeding two hundred dollars, and be imprisoned for any term not exceeding three months. (d)

SECTION 157. If any person shall vote at more than one election district, or otherwise fraudulently vote more than once on the same day, or shall fraudulently fold and deliver to the inspector two tickets together, with the intent to illegally vote, or shall vote the same; or if any person shall advise and procure another so to do, he or they so offending shall, on conviction, be fined in any sum not less than fifty nor more than five hundred dollars, and be imprisoned for any term not less than three nor more than twelve months. (e)

SECTION 158. If any person not qualified to vote in this Commonwealth agreeably to law, (except the sons of qualified citizens,) shall appear at any place of election for the purpose of issuing tickets, or of influencing the citizens qualified to vote, he shall, on conviction, forfeit and pay any sum not exceeding one hundred dollars for every such offense, and be imprisoned for any term not exceeding three months. (f)

SECTION 159. If any person shall wilfully and corruptly make, or procure any person to make falsely an oath or affirmation required or authorized by this act, such person shall suffer such penalties and disabilities as are incurred on conviction of wilful and corrupt perjury or subornation of perjury. (g)‡

SECTION 160. If any person shall knowingly publish, utter, or make use of any forged false receipt or certificate, with intent to impose the same upon or deceive any inspector or judge at any election as aforesaid, such

* See § 133, *ante*.

† See § 163, *post*.

‡ See § 131, *ante*.

(a) Act of July 2, 1839, § 108, P. L. p. 542.

(b) Act of July 2, 1839, § 109, P. L. p. 543.

(c) Act of July 2, 1839, § 110, P. L. p. 543.

(d) Act of July 2, 1839, § 119, P. L. p. 545.

(e) Act of July 2, 1839, § 120, P. L. p. 545.

(f) Act of July 2, 1839, § 121, P. L. p. 546.

(g) Act of July 2, 1839, § 124, P. L. p. 546.

person shall, on conviction, be fined in any sum not less than fifty nor more than five hundred dollars, and suffer imprisonment not less than six months nor more than two years. (a)

SECTION 161. If any prothonotary or sheriff shall neglect or refuse to perform any of the duties hereinbefore enjoined upon him, or shall wilfully misbehave in the doing thereof, he shall, on conviction thereof, be fined in any sum, not less than one hundred, nor exceeding five hundred dollars, and shall suffer imprisonment for a term not exceeding twelve months. (b)

SECTION 162. If any justice of the peace shall refuse to receive any ballot box delivered to him, as is hereinbefore provided, to having received the same, shall neglect the safe keeping thereof, he shall, on conviction of any such refusal or neglect, be fined in any sum not less than one hundred nor more one thousand dollars. (c)

SECTION 163. Every specific fine or forfeiture, imposed by this act, may be recovered by action of debt, in the name of the Commonwealth, as debts of like amount are by law recoverable, or by indictment in the court of quarter sessions of the proper county; and where the fine and forfeiture is not specific, the proceeding shall be by indictment in the quarter sessions of the proper county: *Provided*, That all such suits and prosecutions shall be instituted within one year next after the cause thereof shall accrue, unless otherwise herein provided. (d)

SECTION 164. If any officer or officers, required to perform any duty by the provisions of this act, shall neglect or refuse to perform the same, he or they so offending shall be considered and adjudged guilty of a misdemeanor in office, and shall, on conviction, be fined in any sum, not less than twenty nor more than two hundred dollars; and where the duties required of any officer herein named, are the same as those required by the provisions of the act to which this is a supplement, the penalties inflicted by said act, for violation of such duty, be and the same are hereby extended to the duty herein required. (e)

SECTION 165. No candidate for Senator or Representative, or any office of the judiciary, or for any State, county, or municipal office, shall pay or contribute any money or valuable thing, directly or indirectly, or knowingly allow it to be done for him by others, either for nomination, election, or appointment, except for necessary expenses, as follows: 1st, for printing and traveling expenses; 2d, for disseminating information to the public; 3d, for political meetings, demonstrations, and conventions, under penalty of a fine not exceeding one thousand dollars, and imprisonment not exceeding one year, or both, upon conviction. (f)

Miscellaneous.

SECTION 166. It shall not be lawful for any person, with or without license, to sell to any person any intoxicating drink on any day on which elections are now or may hereafter be held. (g)

SECTION 167. Electors shall in all cases except treason, felony and breach or surety of the peace, be privileged from arrest during their attendance on elections, and in going to and returning therefrom. (h)

SECTION 168. In trials of contested elections and in proceedings for the investigation of elections, no person shall be permitted to withhold his testimony upon the ground that it may criminate himself or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding except for perjury in giving such testimony. (i)

SECTION 169. Special elections, and all elections for city, ward, borough and township officers, for regular terms of service, shall be regulated and conducted in like manner as general elections, and by the

(a) Act of July 2, 1839, § 125, P. L. p. 546. (f) Act of April 18, 1874, P. L. p. 64.
 (b) Act of July 2, 1839, § 126, P. L. p. 546. (g) Act of 1875, § 11, P. L. p. 42.
 (c) Act of July 2, 1839, § 127, P. L. p. 546. (h) Constitution, Art. 8, § 5.
 (d) Act of July 2, 1839, § 123, P. L. p. 546. (i) Constitution, Art. 8, § 10.
 (e) Act of June 13, 1840, § 15, P. L. p. 688.

same officers, who shall perform the same duties and be subject to the same penalties as are provided for general elections, unless otherwise provided for in this act. (a)

SECTION 170. It shall be lawful for the Governor of this Commonwealth, on the representation of the board of health, or of the municipal authority of any city, borough, town or incorporated district in this Commonwealth, that from the prevalence of any malignant or contagious disease, in such city, borough, town or district, the lives of the electors may be in danger by attending at the places fixed by law for holding elections within the same, to direct the sheriff of the proper county to give notice that the election for such city, borough, town or district will be held at such place within the limits, or in the neighborhood of the same, as he, the Governor, may judge most safe and convenient, and it shall be the duty of such sheriff to give public notice of such place, in manner hereinbefore required, at least seven days before the day of election, under the same penalty as is hereinafter provided. (b)

SECTION 171. Every writ which shall be issued by the Governor of this Commonwealth, in pursuance of the Constitution of the United States, to supply a vacancy in the representation of the people of this Commonwealth in the House of Representatives of the United States, shall be directed to the sheriff of the county or counties composing the congressional district, and shall particularly express the day on which the election shall be held to supply such vacancy. (c)*

SECTION 172. If such vacancy shall happen during the session of Congress, or if Congress shall be required to meet at some time previous to the next general election, the Governor shall appoint a time as early as may be convenient for holding such election, otherwise he shall direct the election to be held at the time appointed for holding the general elections. (d)

SECTION 173. Every writ for holding a special election, as aforesaid, shall be delivered to the sheriff to whom the same may be directed, at least fifteen days before the day appointed for such election, who shall forthwith give due and public notice throughout the county at least ten days before such election, and shall send a copy thereof to at least one of the inspectors of each election district therein. (e)

SECTION 174. Every writ which shall be issued by the Speaker of either House of the Legislature, in pursuance of the Constitution of this Commonwealth, to supply a vacancy in such house, shall be directed to the sheriff or sheriffs of the proper county or counties, as the case may be, and shall particularly express the day on which the election shall be held to supply such vacancy. If such writ shall be issued by the Speaker of the Senate during the recess of the Legislature, he shall, except as is hereinafter provided, direct the election to be held at the time appointed for holding the general elections. (f)†

SECTION 175. If such vacancy shall happen during the session of the Legislature, or if the members shall be required by their own adjournment, or by the Governor, to meet at some time previous to the next general election, the Speaker issuing the writ shall appoint a time, as early as may be convenient, not exceeding thirty days thereafter, for holding such election. But if the return of such election cannot be made before the time appointed for the adjournment of the Legislature, such writ shall not be issued, or if issued shall, in the case of a vacancy in the House of Representatives, be countermanded, and in case of a vacancy in the Senate shall, by another writ issued as aforesaid, be extended until the next general election. (g)

SECTION 176. If, after a writ shall have been issued directing the elec-

* See § 8, *ante*.

† See § 12, *ante*.

(a) Act of Jan. 30, 1874, § 23, P. L. p. 42.

(b) Act of July 2, 1839, § 94, P. L. p. 540.

(c) Act of July 2, 1839, § 39, P. L. p. 527.

(d) Act of July 2, 1839, § 40, P. L. p. 527.

(e) Act of July 2, 1839, § 41, P. L. p. 527.

(f) Act of July 2, 1839, § 35, P. L. p. 526.

(g) Act of July 2, 1839, § 36, P. L. p. 526.

tion to fill such vacancy to take place on the day of the general election, or countermanding a previous writ, as aforesaid, the Governor shall issue his proclamation for convening the Legislature the sheriff to whom such writ shall be directed, shall give notice, as is hereinafter provided, of an election to be held within thirty days after the date of such proclamation. (a)

SECTION 177. Every writ for holding a special election, as aforesaid, shall be delivered to the sheriff, to whom the same shall be directed, at least fifteen days before the day appointed for such election, who shall forthwith give due and public notice thereof throughout the county, at least ten days before such election, and shall send a copy thereof to at least one of the inspectors of each election district therein. (b)

SECTION 178. That whenever a vacancy shall have occurred, or may hereafter occur, in either House of the Legislature of this Commonwealth during the recess of the Legislature, and the members thereof may have been or may be required, either by their own adjournment, by the Governor or otherwise, to meet at some time previous to the next general election, the Speaker shall issue the writ and appoint a time for holding said election to fill said vacancy, as provided for by the thirty-sixth section of the act to which this is a supplement. (c)

SECTION 179. That when a borough forms part of a township or townships, composing together one general election district, and which are entitled by the act to which this is a supplement to separately elect two justices of the peace, it shall be the duty of the judge and inspectors elected to hold the general and township elections of each year, to provide a separate box, into which they shall put the tickets voted for justices of the peace for said borough; and the tickets voted for justices of the peace by the qualified voters of the township, shall have the word "township" written or printed on the outside; and the tickets voted for justices of the peace by the qualified voters of the borough, shall have the word "borough" written or printed on the outside; and the said judge and inspectors shall count the votes so voted for justices of the peace for said borough, and return the same in like manner as is provided for in the election of justices of the peace for townships. (d)

SECTION 180. That if the qualified voters of any ward, borough or township in this Commonwealth, shall desire to elect more than the number of justices of the peace or aldermen, prescribed by this law for such ward, borough or township, such qualified voters may at the times and places of holding constables' elections, express such desire and consent in the following manner, namely: Such of the said voters as are in favor of electing more justices or aldermen, shall vote tickets labelled on the outside with the word "justices" or "aldermen," and the inside of such tickets shall contain the words "increase one," or "increase two," as they may desire; and such of the said voters who are opposed to the election of more justices or aldermen, shall vote tickets labelled "justices" or "aldermen" on the outside, and the inside of such tickets shall contain the words "no increase;" and if it shall appear by such election that a majority of the qualified voters within such ward, borough or township are in favor of electing more justices or aldermen, then such additional number of justices or aldermen shall, at the next constables' election thereafter, be elected and commissioned in the same manner as the other justices and aldermen are under this act: *Provided*, That no election shall be held under this section unless at least fifty qualified voters of the proper ward, borough or township, shall give notice in writing to the constable thereof, that they desire to vote at the next constables' election thereafter for such increase; and on receiving such notice the said constable shall, by at least ten written or printed handbills, put up in the most public places in said ward, borough or township, at least twenty days before said election, give notice that at such election a vote will be taken to ascertain whether the qualified

(a) Act of July 2, 1839, § 37, P. L. p. 527.

(b) Act of July 2, 1839, § 33, P. L. p. 527.

(c) Act of Jan. 16, 1855. § 1, P. L. p. 1.

(d) Act of March 7, 1840, § 1, P. L. p. 72.

voters of said ward, borough or township consent to the election of a greater number of justices or aldermen; and it shall be the duty of the officers and others holding such election under this section, to make out true duplicate returns of the same, and file one of said returns in the office of the prothonotary of the county; and in case a majority of the voters of such borough or township are in favor of an increase, the proper constable shall immediately transmit by mail to the governor the other of the said returns, and no such increase in any ward, borough or township shall exceed two. (a)

SECTION 181. That in all cases where an equal number of legal votes has been or shall hereafter be polled for two or more candidates for the office of alderman or justice of the peace in any ward, borough, township, or district, so that the said officers required by law shall not be duly elected, or where any election shall be declared void by the court, it shall be lawful for the qualified voters of such ward, borough, township or district to hold another election for the choice of such officer or officers, and to fill such vacancy; but before holding the same, it shall be the duty of the constable of the proper ward, borough, township, or district to give notice in the manner prescribed by law that on a certain day mentioned in said notice, not less than twenty nor more than thirty days thereafter, an election will be held to fill such vacancy: which election shall be held and conducted in the mode and manner and by the same officers and persons as the constables' elections are held and conducted, and at the same place and between the same hours, and be subject to the like inquiry and judgment of the court of the proper county, as aldermen or justices elected under the provisions of the act to which this is a further supplement: *Provided*, That when the election of any such officer shall be vacated or set aside by a decision of the court, the said court shall fix the time of holding such new election, which shall not be less than twenty days thereafter. (b)*

SECTION 182. That the aldermen or justices of the peace elected under the provisions of this act shall file an acceptance of said office with the prothonotary of the proper county, stating therein the name of the alderman or justice of the peace whom they succeed, with the cause of vacancy; and said prothonotary shall certify the same under his seal of office to the Secretary of the Commonwealth, whereupon the Governor shall issue commission to such persons as shall appear to be duly elected, for the term of five years, to be computed from the first Monday of May succeeding the election. (c)

SECTION 183. That when two or more candidates shall have an equal number of votes for the same term of office, at any election of school directors or controllers, whereby their election shall be prevented, the said candidates shall appear at the next regular meeting of the board of directors or controllers, which said board shall determine their rights to seats therein, in the following manner: Ballots shall be prepared, equal in number to the opposing candidates, on one half of which the word "director" shall be written, whereupon the said candidates shall each draw, from a proper receptacle, one of said ballots, and the candidate or candidates drawing the ballot or ballots marked "director" shall be held and deemed duly elected to the said office of director or controller; and if vacancies are to be filled at any election of directors, in addition to the persons to be elected for the regular term, and the voters shall all neglect to designate on their tickets the term of office for which each person voted for is a candidate, then the person or persons having the highest number of votes shall be declared elected for the longest term or terms; the next highest in vote, after the filling of the longest term, shall be declared elected for the next longest term, and so on till all the terms vacant shall be filled. (d)

* *Query*, whether this section is not rendered nugatory by reason of the Constitution fixing but one day in the year for holding all elections for city, ward, borough and township officers, for regular terms of service.

(a) Act of June 21, 1839, § 4, P. L. p. 377. (c) Act of March 22, 1877, § 4, P. L. p. 12.

(b) Act of June 13, 1840, § 1, P. L. p. 689. (d) Act of April 11, 1862, § 2, P. L. p. 471.

SECTION 184. That when an independent school district shall be established, the proper court shall, in the decree therefor, designate the time and place for holding the annual elections of directors therein, and appoint two persons to hold the first election, at a time appointed therefor, who shall give ten days' notice thereof, by printed or written handbills, put up at not less than six public places within said district, at which first election six directors shall be chosen, two for three years, two for two years, and two for one year then next ensuing, and thereafter two directors shall be chosen for three years, at the annual election to be called and held by the president and secretary of the board, at the time and place, and in the manner in said decree therefor appointed; said election in all other respects to be conducted in conformity with the existing school law; and that in independent districts, established or hereafter to be established by the legislature, without specifying the mode, time or place of electing directors, the first election shall be held at such time and place, within the proper district, as shall be specified by written or printed notices thereof, put up at not less than ten public places therein, signed by not less than five taxable citizens thereof, and giving ten full days' notice of such election, and subsequent elections shall be held at such time and place, annually, as shall be designated by similar notices, signed by the president and secretary of the proper board; said elections in all other respects to be held and conducted in the manner in this section before provided. (a)

SECTION 185. That wagering or betting on the event of an election, held under the Constitution or laws of the United States, or the Constitution or laws of this Commonwealth, are hereby prohibited, and all contracts or promises founded thereon are declared to be entirely null and void. (b)

SECTION 186. That if any person shall, after the first day of August next, lay any wager or bet, or make any promise or engagement for the payment of money or the transfer of any other valuable thing dependent on the event of any such election as aforesaid, or on the success of any candidate or candidates nominated for public office, he shall, on conviction thereof in any court of quarter sessions or other court having similar jurisdiction, be adjudged guilty of a misdemeanor, and shall be fined in any sum, not exceeding the whole amount of the sum betted by all the parties to the wager, nor less sum than twenty dollars: *Provided*, That such prosecution shall be commenced within six months after the offence shall have been committed. (c)

SECTION 187. If any person or persons shall make any bet or wager upon the result of any election within this Commonwealth, or shall offer to make such bet or wager, either by verbal proclamation thereof, or by any written or printed advertisement, challenge or invite any person or persons to make such bet or wager, upon conviction thereof he or they shall forfeit and pay three times the amount so bet or offered to be bet. (d)

SECTION 188. It shall be the duty of every judge, sheriff, mayor, alderman, justice of the peace, or constable, knowing of any person having offended against the provisions of the one hundred and fifteenth section of this act, to commence proceedings against the person so offending; and it shall be the duty of the grand juries of the respective counties within this Commonwealth to make a presentment of all such offences coming within their knowledge. (e)

SECTION 189. It shall be the duty of the several constituted authorities having care and charge of the poor in the respective counties, districts, and townships of this Commonwealth, knowing or being informed under oath, of any person or persons having made any bet or wager of any land, goods, money or thing of value, on the result of any election within this Commonwealth, or deposited the same in the hands of any

(a) Act of April 11, 1862, § 9, P. L. p. 473. (d) Act of July 2, 1839, § 115, P. L. p. 544.
 (b) Act of March 24, 1817, § 1, P. L. p. 204. (e) Act of July 2, 1839, § 116, P. L. p. 544.
 (c) Act of March 24, 1817, § 2, P. L. p. 204.

person within their respective counties, districts or townships, to bring suit in the name of the Commonwealth of Pennsylvania, for the use of the poor of such county, district or township against such deposit or stakeholder, where said bet is deposited in the hands of a third person, or against the party winning said bet, when the same is not so deposited, for the recovery of the amount so bet; and if on the trial it shall be made appear that said lands, goods, money or thing of value was bet on the result of any election within this Commonwealth, said guardians, directors or overseers of the poor shall be entitled to recover the amount or value thereof for the use of the poor from said stakeholder, or person winning said bet, where there is no stakeholder: *Provided*, Said suit is brought within two years from the time of making said bet; and the stakeholder is hereby prohibited during said time to pay over the amount so bet to either of the parties, and shall be liable for the same whether such bet is paid over or delivered to the parties or either of them, or not, and the party winning shall in like manner be liable to the payment of the whole amount so bet, where the same is received by him; and said bet, or the value thereof, may be recovered as debts of like amount are by law recoverable; and if said guardians, directors or overseers of the poor shall neglect or refuse to bring such suit, they shall be guilty of a misdemeanor in office, and on conviction shall be fined in any sum not less than the amount so bet nor more than double the amount (a)

SECTION 190. That in all elections hereafter to be held by any voluntary political association or party, in the county of Crawford, for any delegate or executive committee, or for the nomination of candidates for public office, the persons chosen to hold said election as judges and inspectors, or clerks and officers, or any person in their absence or refusal to serve, assuming or chosen in their place, shall first be sworn or affirmed by some officer authorized to administer oaths, but if no such officer be present, one of the inspectors or clerks shall administer the oath or affirmation to the judge, and then the judge so qualified shall administer the oath or affirmation to the inspectors and clerks, that they will correctly and faithfully conduct such election, protect it against all frauds and unfairness, and truly canvass all votes cast thereat. (b)*

SECTION 191. It shall be the duty of the judges of such election to entertain objections made by any qualified elector to any vote that may be offered, on the ground that the person offering it is not entitled to vote at said election, or that he has received or been promised, directly or indirectly, any money, promise or reward, for his vote for any candidate, or that he has voted before at that place or some other, on that day, in the same election; and it shall be the duty of the judges of the election, if such objection be not withdrawn, to administer to the person, so offering to vote, an oath or affirmation, that he will truly testify to all matters relating to his said qualification, or receiving or being promised, directly or indirectly, any money, promise or reward, for his vote for any candidate, and whether he has voted at that or any other place on that day at such election; it shall then be the duty of the judges of election to interrogate the person so objected to, as to all the matters upon which said objection was made, and generally as to his qualifications; if the person so objected to shall refuse to answer such questions, after said oath or affirmation shall have been administered, or shall refuse to take such oath or affirmation, it shall be the duty of the judges of election to reject such vote; but if such oath be taken, and such questions be answered satisfactorily, and not contradicted successfully by the sworn testimony of other witnesses who may be called, it shall be the duty of the judges of election to admit the vote, having the word "sworn" noted opposite the parties' name on the poll-list. (c)

* Extended to Erie county by act of April 3, 1872, P. L. p. 871—See also act of May 19, 1871, P. L. p. 1001, and act of February 8, 1872, P. L. p. 96, as to duties and powers of officers of primary elections and mode of conducting same in Lancaster county.

(a) Act of July 2, 1839, § 118, P. L. p. 545. (c) Act of Feb. 6, 1872, § 2, P. L. p. 82.

(b) Act of Feb. 6, 1872, § 1, P. L. p. 82.

SECTION 192. Any officers of said elections, or any voter thereof, who shall violate any provisions of this act, and any person or voter who shall offer any money, reward or promise for voting thereat, and any person wilfully making a false statement, on oath or affirmation, at any such election, shall be guilty of a misdemeanor, and on conviction, shall be punished by a fine not exceeding five hundred dollars; and imprisonment not exceeding one year, or both. (a) *

SECTION 193. Any voluntary political association or party in said county may, by a vote of the executive committee thereof, elect to adopt the provisions of this act, or to submit the question of the adoption to a vote of the members of such political association or party; and a certificate of the vote of such executive committee, or the result of the vote of the members of such party, shall be duly certified and recorded in the proper office of the recorder of deeds of said county, who shall thereupon give notice, by publication, that such political association or party has adopted said act; and thenceforth this act, and all the provisions thereof, shall have full power and effect in and upon such political association or party in said county; but no expense shall be incurred by the county or State in the conduct of elections under the provisions of this act. (b) *

Special Provisions Relating to and Governing City and Borough Elections.

SECTION 194. For the numerous special provisions relating to and governing city and borough elections, see act of May 23, 1874, dividing the cities of the Commonwealth into three classes, P. L. p. 230, and the several subsequent acts supplementary thereto, or relating to any of the classifications; also, the general borough acts of April 1, 1834, P. L. p. 163, and April 3, 1851, P. L. p. 320; also, the charters of the several boroughs of the Commonwealth, and supplements thereto.

See, also, in case of ALLEGHENY CITY, revised charter, 1870, P. L. p. 717; act of 1870, P. L. p. 1205, and act of 1872, P. L. p. 1050.

In case of ALLENTOWN CITY—See act of incorporation, 1867, P. L. p. 388.

In case of ALTOONA CITY—See act of incorporation, P. L. p. 697, and act of 1873, P. L. p. 123.

In case of CARBONDALE CITY—See act of incorporation, 1851, P. L. p. 163; act of 1852, P. L. p. 624; act of 1857, P. L. p. 387; act of 1865, P. L. p. 529; act of 1866, P. L. p. 150, and act of 1867, P. L. p. 419.

In case of CHESTER CITY—See act of incorporation, 1866, P. L. p. 30, and act of March 25, 1873, P. L. p. 374.

In case of CORRY CITY—See act of incorporation, 1866, P. L. p. 146; act of 1866, P. L. p. 782; act of 1868, P. L. p. 319; act of 1868, P. L. p. 952, and act of 1870, P. L. p. 569.

In case of ERIE CITY—See act of incorporation, 1851, P. L. p. 631; act of 1852, P. L. p. 368; act of 1857, P. L. p. 51; act of 1857, P. L. p. 408; act of 1858, P. L. p. 291; act of 1859, P. L. p. 158; act of 1864, P. L. p. 672, and act of 1870, P. L. p. 242.

In case of FRANKLIN CITY—See act of incorporation, 1868, P. L. p. 693, and act of 1872, P. L. p. 747.

In case of HARRISBURG CITY—See act of incorporation, 1860, P. L. p. 175; act of 1864, P. L. p. 9; act of 1867, P. L. p. 423; act of 1868, P. L. p. 1136, and act of 1873, P. L. p. 552.

In case of LANCASTER CITY—See amended charter, 1867, P. L. p. 783; act of 1868, P. L. p. 327; act of 1869, P. L. p. 141; act of 1869, P. L. p. 462, and act of 1870, P. L. p. 432.

In case of LOCK HAVEN CITY—See act of incorporation, 1870, P. L. p. 619, and act of 1872, P. L. p. 840.

* Extended to Erie county by act of April 3, 1872, P. L. p. 871—See also act of May 19, 1871, P. L. p. 1001, and act of February 8, 1872, P. L. p. 96, as to duties and powers of officers of primary elections and mode of conducting same in Lancaster county.

(a) Act of Feb. 6, 1872, § 3, P. L. p. 83.

(b) Act of Feb. 6, 1872, § 4, P. L. p. 83.

In case of **MEADVILLE CITY**—See act of incorporation, 1866, P. L. p. 57; act of 1868, P. L. p. 647; act of 1869, P. L. p. 404, and act of 1870, P. L. p. 967.

In case of the city of **MONONGAHELA CITY**—See act of incorporation, 1873, P. L. p. 377.

In case of **NEW CASTLE CITY**—See act of incorporation, 1869, P. L. p. 249, and act of 1872, P. L. p. 266.

In case of the city of **OIL CITY**—See act of incorporation, 1871, P. L. p. 137; act of 1872, P. L. p. 310; act of 1873, P. L. p. 337, and act of 1873, P. L. p. 421.

In case of **PARKER CITY**—See act of incorporation, 1873, P. L. p. 193.

In case of **PHILADELPHIA CITY**—See act of 1851, P. L. p. 726; act of 1853, P. L. 1854, p. 824; consolidation act, 1854, P. L. p. 21; act of 1855, P. L. p. 264; act of 1856, P. L. p. 567; act of 1857, P. L. p. 221; act of 1857, P. L. p. 329; act of 1857, P. L. p. 617; acts of 1858, P. L. pp. 183 and 185; act of 1858, P. L. p. 467; act of 1860, P. L. p. 657; act of 1861, P. L. p. 165; act of 1861, P. L. p. 292; act of 1861, P. L. p. 575; act of 1863, P. L. p. 143; act of 1864, P. L. p. 60; act of 1864, P. L. p. 111; act of 1864, P. L. p. 911; act of 1866, P. L. p. 940; acts of 1866, P. L. p. 968 and 969; act of 1867, P. L. p. 206; act of 1867, P. L. p. 460; acts of 1867, P. L. p. 1123 and 1129; act of 1869, P. L. p. 317; act of 1869, P. L. p. 49; act of 1870, P. L. p. 53; act of 1870, P. L. p. 1083; act of 1871, P. L. p. 122; act of 1872, P. L. p. 358; act of 1872, P. L. p. 465; act of 1872, P. L. p. 761; act of 1873, P. L. p. 103; act of 1874, P. L. p. 224; act of 1877, P. L. p. 36.

In case of **PITTSBURGH CITY**—See consolidation act, 1867, P. L. p. 846; act of 1868, P. L. p. 565; act of 1869, P. L. p. 150; act of 1870, P. L. p. 1055; act of 1871, P. L. p. 718; act of 1872, P. L. p. 743; act of 1873, P. L. p. 334, and act of 1874, P. L. p. 477.

In case of **READING CITY**—See revised city charter, 1861, P. L. p. 104; act of 1862, P. L. p. 158; act of 1863, P. L. p. 106; act of 1864, P. L. p. 7; act of 1864, P. L. p. 583; act of 1866, P. L. p. 66; act of 1867, P. L. p. 195; act of 1870, P. L. p. 1246; act of 1871, P. L. p. 1299, and act of 1872, P. L. p. 329.

In case of **SCRANTON CITY**—See act of incorporation, 1866, P. L. p. 1034; act of 1867, P. L. p. 630; act of 1869, P. L. p. 733; acts of 1871, P. L. p. 1147 and 1165, and act of 1872, P. L. p. 961.

In case of **TITUSVILLE CITY**—See act of incorporation, 1866, P. L. p. 116; act of 1866, P. L. p. 321; act of 1868, P. L. p. 716, and act of 1871, P. L. p. 824.

In case of **WILKES-BARRE CITY**—See act of incorporation, 1871, P. L. p. 539; act of 1872, P. L. p. 740, and act of 1873, P. L. p. 392.

In case of **WILLIAMSPORT CITY**—See act of incorporation, 1866, P. L. p. 1231; act of 1867, P. L. p. 513; act of 1868, P. L. p. 1063, and act of 1870, P. L. p. 525.

Compensation of Election Officers.

SECTION 195. Judges, inspectors, and clerks of elections, shall receive one dollar and fifty cents per day for holding *all elections*, to be paid by the county treasurer, on the order of the county commissioners. *(a)*

Return judges of general elections shall receive *ten cents* per mile for every mile traveled in delivering the returns. *(b)*

Return judges of township, ward, and borough elections, shall receive *six cents* per mile for delivering the returns of such elections. *(c)*

Constables, (supervisors, or assessors) shall receive two dollars for advertising township, ward, borough, or district elections. *(d)*

Constables shall receive two dollars for attending at general elections, and three dollars for attending at special, township, ward, or borough elections. *(e)*

Assessors shall receive one dollar per day for attending each election. *(f)*

In Allegheny county, judges, inspectors, and clerks receive \$2 50 per day. *(g)*

In Columbia county, constables receive \$3 per day for attending at special, township, ward, and borough elections, which includes advertising the same. *(h)*

In Bradford county, judges, inspectors, and clerks receive \$2 per day. *(i)*

In Lycoming county, these officers receive \$2 50 per day. *(j)*

In Northampton county, they receive \$3, when the vote polled is under five hundred, when it is five hundred or over, \$4 per day. *(k)*

In Philadelphia, judges, inspectors, and clerks receive \$5, in full for all services at elections, and return judges receive \$2 additional. *(l)*

In estimating the number of days to be allowed election officers, the proper rule would seem to be to make the first day end at twelve o'clock, *midnight*, of the election day, and to allow an additional day, if any time is necessarily spent beyond that hour.

(a) Act of 1839, § 92, P. L. p. 540.

(b) See § 111, p. 29, this Digest.

(c) See § 112, p. 29, this Digest.

(d) See § 113, p. 29, this Digest.

(e) Act of 1863, § 11, P. L. p. 14.

(f) See § 41, p. 14, this Digest.

(g) Act of 1872, P. L. p. 153.

(h) Act of 1872, P. L. p. 525.

(i) Act of 1873, § 1, P. L. p. 146.

(j) Act of 1873, § 1, P. L. p. 285.

(k) Act of 1869, § 1, P. L. p. 932.

(l) Act of 1853, § 14, P. L. p. 824.

Prothonotary.

NOTE.—This form is a copy, or substance, of the paper given upon admission to the rights of citizenship. It is commonly called the *second* paper, and is the only proper evidence of naturalization.

In case of MEADVILLE CITY—See act of incorporation, 1866, P. L. p. 57; act of 1868, P. L. p. 647; act of 1869, P. L. p. 404, and act of 1870, P. L. p. 967.

In case of the city of MONONGAHELA CITY—See act of incorporation, 1873, P. L. p. 377.

FORMS.

For other forms used in elections, see Index, under head of Forms.

Naturalization.

No. 1.

COMMONWEALTH OF PENNSYLVANIA, { ss:
County of }

Be it remembered, that on the day of, A. D. one thousand eight hundred and, personally appeared before me, prothonotary of the court of common pleas of said county, (or as the case may be,) A. B., who being duly sworn (or affirmed) according to law, declares and says that he is a native of; that and a subject (or citizen) of the King (or as the case may be) of; that he is now residing in; that he is years of age, or thereabouts, and that it is *bona fide* his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty whatever, and particularly to the King (or as the case may be) of, of whom he is now a subject, (or citizen.)

{ SEAL } In testimony whereof, I have hereunto subscribed my name and affixed the seal of the said court, at, this day of, in the year of our Lord one thousand eight hundred and

Prothonotary.

NOTE.—This form is a copy, or substance, of the paper given to an alien who has filed his *declaration of intentions* to become a citizen. It is generally called the *first* paper, and does not entitle the holder to vote as a naturalized citizen.

No. 2.

COMMONWEALTH OF PENNSYLVANIA, { ss:
County, }

Know all men by these presents, That at a court of common pleas, held at, in and for the county of, on the day of, in the year of our Lord one thousand eight hundred and, A. B., a native of, after having complied with the several acts of Congress in such case made and provided, and having declared on his solemn oath before the said court that he would support the Constitution of the United States, and that he did absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign prince, potentate, state or sovereignty whatever, and particularly to, was admitted by the said court a citizen of the United States of America.

{ SEAL } In testimony whereof, I have hereunto affixed the seal of said court, at, the day of, 18

Prothonotary.

NOTE.—This form is a copy, or substance, of the paper given upon admission to the rights of citizenship. It is commonly called the *second* paper, and is the only proper evidence of naturalization.

No. 4.

Form of affidavit to be made by native born citizen not registered, and who claims right to vote on age, under tenth section of Registry Law, approved 30th January, 1874.

COMMONWEALTH OF PENNSYLVANIA, } ss:

I,, being duly sworn, say that I am a native born citizen of the United States: that I am at this date of the age of twenty-one and under twenty-two years; that I have been a citizen of the United States one month, and have resided in the State of Pennsylvania for one year last past, and in this election district, where I now claim the right to vote, two months next preceding this election.

Sworn and subscribed this day }
of, 187. ., before me. }

N. B. If the person claiming the right to vote on age was born elsewhere than in the United States, he shall, in addition, state that fact in his affidavit, and shall produce evidence to the election board that he has been natrnalized, or that he is entitled to citizenship by reason of his father's naturalization.

No. 5.

Forms of Oaths for Election Officers.

I,, do that I will, as Judge, duly attend the ensuing election during the continuance thereof, and faithfully assist the inspectors in carrying out the same: that I will not give my consent that any vote or ticket shall be received from any person other than such as I firmly believe to be, according to the provisions of the Constitution and the laws of this Commonwealth, entitled to vote at such election, without requiring such evidence of the right to vote as is directed by law; and that I will use my best endeavor to prevent any fraud, deceit or abuse in carrying on the same, by citizens qualified to vote or others, and that I will make a true and perfect return of the said election, and will, in all things, truly, impartially, and faithfully perform my duty respecting the same, to the best of my judgment and abilities; that I am not, directly or indirectly, interested in any bet or wager on the result of this election: and that I will not disclose how any elector shall have voted, unless required to do so as a witness in a judicial proceeding.

. and subscribed this day } Judge of the
of, 18. ., before me. } election district composed of the
of

Minority Inspector.

I,, do that I will duly attend the ensuing election dnring the continuance thereof, as an Inspector: and that I will not receive any ticket or vote from any person other than such as I shall firmly believe to be, according to the provision of the Constitution and the laws of this Commonwealth, entitled to vote at such election, without requiring such evidence of the right to vote as is directed by law; nor will I vexatiously delay or refuse to receive any vote from any person who I shall believe to be entitled to vote as aforesaid, but that I will, in all things, truly, impartially, and faithfully perform my duty therein, to the best of my judgment and abilities: that I am not, directly or indirectly, interested in any bet or wager on the result of this election: and that I will not disclose how any elector shall have voted, unless required to do so as a witness in a judicial proceeding.

. and subscribed this day } Inspector of the
of, 18. ., before me. } election district composed of
of

Judge.

I,, do that I will, as a Clerk, impartially and truly write down the name of each elector who shall vote at the ensuing election, which shall be given me in charge, and also the name of the township, ward or district wherein such elector resides, and will record the number of his ballot on the list of voters opposite to his name, and carefully and truly write down the number of votes that shall be given for each candidate at the election, as often as his name shall be read to me by the inspectors thereof, and in all things truly and faithfully perform my duty respecting the same, to the best of my judgment and ability; that I am not, directly or indirectly, interested in any bet or wager on the result of this election: and that I will not disclose how any elector shall have voted, unless required to do so as a witness in a judicial proceeding.

. and subscribed this day } Clerk of the
of, 18. ., before me. } election district composed of the
of

Judge.

No. 6.

Statement showing the votes received by each candidate in the election district of, at the election held on the day of, A. D. 187. .

For the office of			
A	B	had	votes.
C	D	had	votes.
E	F	had	votes.
For the office of			
A	B	had	votes.
C	D	had	votes.
E	F	had	votes.

. Judge.
. Inspector.
. Inspector.

NOTE.—This statement is to be signed by the election officers as soon as the vote is counted and immediately posted up on the door of the election house for information of the public.

No. 7.

Form of Return where two or more counties elect together.

We, the undersigned, judges of the court of common pleas of county, Pennsylvania, composing, in conjunction with the the district in said Commonwealth, do certify that, at the time and place fixed by law, the returns of the election in the several election districts of said county, for the office of member of the to represent the aforesaid district of Pennsylvania in the, were delivered to us by the prothonotary of said court and opened by us, and duly computed by our order and in our presence, according to law, and the votes for said office having been carefully added together, it appeared that, for member as aforesaid,

A	B	had	votes.
C	D	had	votes.
E	F	had	votes.
G	H	had	votes.

And to execute, on the part of the county of, the duty enjoined by law, in accordance with the thirteenth section of the act, entitled "A further supplement to the act regulating elections in this Commonwealth," approved the 30th day of January, A. D. 1874, we hereby appoint to be a return judge to take charge of this certificate, and to produce the same at a meeting of one judge from each county composing the district aforesaid, to be held at, in the county of, on the day of, A. D. 18. ., according to law.

SEAL.

 In testimony whereof, we have hereunto set our hands, and caused the seal of said court to be affixed, this day of A. D. 18. .

.
.
. } Judges.

Attest:

.
Prothonotary.

No. 8.

Form of Return Sheet.

We, the undersigned, elected and sworn according to law, inspectors and judge of the election held on the Tuesday of, A. D. 187. . ., at, in the election district of county, Pennsylvania, do certify, that upon counting the votes it appeared that for

A	B	had	votes.
C	D	had	votes.
A	B	had	votes.
C	D	had	votes.

In testimony whereof, we, the inspectors and judge of the election aforesaid, have hereunto set our hands and seals the day of, A. D. 187. . .

.	{ SEAL. }	} Inspectors.
.	{ SEAL. }	
.	{ SEAL. }	} Judge.

Attest :

.	} Clerks.
.	

We certify that the above return is correct.

.	} Overseers.
.	

NOTE.—This return sheet is to be signed by all the officers and given unsealed to the judge, and by him delivered (at the time the return is delivered) to the prothonotary, who shall mark thereon the day and hour of filing, and preserve it for public inspection.

No. 9.

Form of Triplicate Election Return.

We, the undersigned, elected and sworn according to law, inspectors and judge of the election held on Tuesday, the day (being the Tuesday) of, A. D. 187. . ., at the house of, in the of county, Pennsylvania, do certify, that upon closing the polls and counting the votes, it appeared that for

A	B	had	votes.
C	D	had	votes.
A	B	had	votes.
C	D	had	votes.

In testimony whereof, we, the inspectors and judge of election aforesaid, have hereunto set our hands and seals the day of, A. D. 187. . .

(Signed Triplicates.)

.	{ SEAL. }	} Inspectors.
.	{ SEAL. }	
.	{ SEAL. }	} Judge.

Attest :

.	} Clerks.
.	

We certify that the above return is correct.

.	} Overseers.
.	

NOTE.—Three of these returns must be signed by the officers and certified by the overseers, if any. Any officer or overseer refusing to sign or certify shall endorse the reasons of his refusal on each return. One return, with the tally paper, list of voters, and oaths of officers, is to be placed in an envelope, sealed up, and delivered, with the unsealed return sheet, to the judge of election. One of the returns is to be placed in the ballot box and sealed up with the ballots. The third return is to be sealed up in an envelope and given to the minority inspector. All three returns are to be sealed up in presence of the officers.



No. 10.

Tally Paper of Votes

Given for each Candidate by the male taxable persons inhabiting within the . . .
. of , who voted at the election held at the
house of , in the said county, Pennsylvania,
. , 187 . . . , to wit :

.
.
.
.
.
.



No. 11.

Form of General Certificate of Result, to be filed in Prothonotary's Office.

We, the undersigned, judges of the court of common pleas of
county, , do hereby certify that, at 12 o'clock on the day of
. , A. D. 187 . . . , being the second day after the election held on the
. Tuesday of , A. D. 187 . . . , the prothonotary of the said
court having presented the returns of said election, according to law, and opened the
same and caused them to be computed in our presence by , Esq.,
prothonotary of said court, and by , who were
duly sworn as his assistants, and the votes cast at said election having been carefully
added together by the said , it appeared

A	B	had	votes.
C	D	had	votes.
A	B	had	votes.
C	D	had	votes.

In testimony whereof, we have hereunto set our hand and caused the seal of the said court to be affixed, the day and year aforesaid.

{ SEAL }

. { SEAL }

. { SEAL }

. { SEAL }

. { SEAL }

} Judges.

No. 12.

Instructions to Assessors.

1. Upon the receipt of the list of names, certified to you from the last corrected assessment of your district, from the county commissioners' office, you will examine the said list carefully, and strike from it all the names of non-residents, after which you will proceed to make the registration, according to these instructions. In the blank register provided you from the county commissioners' office, you are to enter the names in alphabetical order, of all persons who are known to you to be qualified voters in your district, whether their names are on the lists certified from the county commissioners' office or not; and in entering the names of each voter, the printed headings of the register will indicate the remarks to be applied to each and every voter, or persons claiming to vote.

2. After you have completed the register, as above directed, you will return the same to the county commissioners' office on or before a certain date, to be fixed by the county commissioners.

3. To guard against mistakes, the registration of persons' names should be made upon separate sheets of paper before you enter them in the blank register. Prepare the register in alphabetical order, without regard to freeholders, tenants, or single men.

4. To the names of all persons who are qualified voters, and against whose right to vote no objection could be made, write the word *voter* in the narrow column of initials; and to such as are naturalized, and have been voters in your district for *two* successive years, write the letter "*N*" in said column; and in case of any having declared his intention to become a citizen, and who will be qualified to vote at the next general election, enter the letters "*D. I.*" in said column; and in case of any one who shall be entitled to naturalization, without making declaration of intention, and who intends to be naturalized at least one month before the next general election, write the letters "*I. N.*" in said column; and also in case of any one claiming the right to vote by reason of being between the ages of twenty-one and twenty-two years, enter the word *age* in said column; and any one claiming the right to vote from having moved into your district since the last general election, enter the letter "*R*" in said column; in every case, opposite their respective names. Also, any person whose name is not registered on the certified register, that will be delivered to you after the first day of August next, from the county commissioners' office, who claims his right to vote at the next general election then succeeding, you will enter the letters "*C. V.*" in said column of initials; and in *all* cases where the name of a person is not found on any one of the certified registers from the county commissioners' office, you are required to assess against such person a county tax, to agree in amount with the tax of others of like circumstances, with the date of such assessment, entered on the extreme right hand column of the register.

5. The assessor must not neglect to correct the list of voters certified by the county commissioners, by striking out the names of all non-residents, as above directed.

NOTE.—The assessor is required to be present at the polls, with a copy of his register.

Forms for Primary Elections.

No. 13.

Certificate of the result of an election in a district of a county where candidates for office are nominated, on what is known as the Crawford County System.

We, the undersigned, judge and clerks of the election held at, in the, between the hours of, on the . . . day of, A. D. 187 , by the qualified voters of the party residing within said, for the following officers, to be voted for by said party at the ensuing general election, viz. :

do hereby certify, that at said election
A. B. received votes for the office of
C. D. received votes for the office of
E. F. received votes for the office of

A. B. received votes for the office of
C. D. received votes for the office of
E. F. received votes for the office of

In testimony whereof, we have hereunto set our hands, this . . . day of, A. D., 187 .*

. Judge.
. } Clerks.
.

* In counties where the board is required to be sworn, that fact should be embodied in the certificate.

No. 14.

Certificate of election of delegates to a convention to nominate candidates for office.

We, the undersigned, judge and clerks of the election held at, in the, between the hours of on the . . . day of, A. D. 187 , by the qualified voters of the party residing within said, for delegates to represent said in the convention to be held at on the . . . day of, A. D. 187 , to nominate

do hereby certify, that at said election
A. B. received votes.
C. D. received votes.
E. F. received votes.
G. H. received votes.

And that A. B. and C. D. having received a majority of all the votes cast at said election, are hereby declared to be duly elected delegates to represent said in the said convention.

In testimony whereof, we have hereunto set our hands, this . . . day of, A. D. 187 .

. Judge.
. } Clerks.
.

*No. 15.***Form of Oath to be Administered by Election Officers to a Person whose Right to Vote has been Challenged at the Polls.**

You do solemnly swear that you will make true answers to all such questions as may be asked you at this time, touching your right to vote at this election ; and this, as you shall answer to God at the great day.

After being thus sworn, the challenged party may be questioned, as follows :

1. As to his *place* of residence.
2. As to the *time* of his residence in the election district.
3. As to his *age*.
4. As to his *payment of State or county tax*.
5. As to *when he became a citizen of the State*.
6. As to his *naturalization*.

The questions are usually, however, confined to the particular matter covered by the challenge.



AN ACT

TO

AMEND AND CONSOLIDATE THE SEVERAL ACTS

RELATING TO

GAME AND GAME FISH,

APPROVED JUNE 3, 1878.



AN ACT

To amend and consolidate the several acts relating to Game and Game Fish.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That no person shall kill or pursue in any part of the State any elk or wild deer, save only from the first day of October, in any year, to the sixteenth day of December next following; no person shall have in his or her possession, or offer for sale, or transport, any elk, wild deer, antelope, or fresh venison, save only from the first day of October, in any year, to the sixteenth day of December next following; no person shall at any time kill any fawn when in its spotted coat, or have the fresh skin of any such fawn in his or her possession; no person shall pursue any elk or wild deer with dogs in any part of this State, or shall kill in the water any elk, or wild deer, or fawn which has been driven thereto by dogs; any person offending against any of the provisions of this section, shall be deemed guilty of a misdemeanor, and shall be liable to a penalty of fifty dollars for each, elk, wild deer, or fawn so killed, or pursued, or trapped, or fresh elk, wild deer, antelope, or fawn skin had in his or her possession, and may be proceeded against in any county of the State wherein he may be arrested having the same in his or her possession: *And provided also,* That any dogs pursuing elk, or wild deer, or fawns, may be killed by any person, and any constable or other town official may kill any dog that habitually pursues elk, wild deer, or fawns, and the owner of such dog shall be liable to a penalty of ten dollars for each elk, wild deer, or fawn killed by such dog: *Provided further,* That this act shall be so construed as not to change or alter any exception of any counties or parts of counties of this State heretofore made in any act of Assembly, prohibiting running of deer with dogs.

SECTION 2. No person shall kill, or expose for sale, or have in his or her possession after the same has been killed, any grey, black or fox squirrel, between the first day of January and the first day of September in each year, under a penalty of five dollars for each and every squirrel so killed, exposed for sale, or had in possession.

SECTION 3. No person shall kill, or expose for sale, or have in his possession after the same has been killed, any hare, commonly called rabbit, between the first day of January and the fifteenth day of October in any year, under a penalty of five dollars for each and every hare or rabbit so killed, or exposed for sale, or had in his possession; no person shall hunt, or cause or permit the hunting of hares or rabbits with a ferret or ferrets, under a penalty of ten dollars for each and every hare or rabbit caught or killed by means of a ferret or ferrets.

SECTION 4. No person shall at any time kill any wild duck or goose with any device or instrument known as a swivel or punt gun, or with any gun other than such guns as habitually are raised at arm's length and fired from the shoulder, or shall use any net, device, instrument, or gun, other than such gun as aforesaid, with intent to capture or kill any such wild duck or goose, under a penalty of ten dollars.

SECTION 5. No person shall kill, or expose for sale, or have in his or her possession after the same has been killed, any wild turkey, between the first day of January and the fifteenth day of October following, in any year, under a penalty of ten dollars for each bird so killed, exposed for sale, or had in possession.

SECTION 6. No person shall kill, take, or expose for sale, or have in his or her possession any wild fowl, between the fifteenth day of May

and the first day of September of any year, under a penalty of ten dollars for each and every wild fowl so killed, taken, exposed for sale, or had in possession.

SECTION 7. No person shall kill or expose for sale, or have in his or her possession, after the same has been killed, any upland or grass plover, between the first day of January and the fifteenth day of July, in any year, under a penalty of ten dollars for each bird so killed, exposed for sale, or had in possession.

SECTION 8. No person shall kill or expose for sale, or have in his or her possession, after the same has been killed, any woodcock, between the first day of January and the fourth day of July, in any year, under a penalty of ten dollars for each bird so killed, exposed for sale, or had in possession.

SECTION 9. No person shall kill or expose for sale, or have in his or her possession, after the same has been killed, any quail or Virginia partridge, between the first day of January and the fifteenth day of October, in any year, under a penalty of ten dollars for each bird so killed, exposed for sale, or had in possession.

SECTION 10. No person shall kill or expose for sale, or have in his or her possession, after the same has been killed, any ruffed grouse, commonly called pheasant, or pinnated grouse, commonly called prairie chicken, between the first day of January and the first day of October, in any year, under a penalty of ten dollars for each bird so killed, exposed for sale, or had in possession. And it shall not be lawful to hunt pheasants or pinnated grouse during the night time, in any manner whatever, under a penalty of ten dollars for each offense.

SECTION 11. No person shall kill or expose for sale, or have in his or her possession, after the same has been killed, any rail bird or reed bird, except in the months of September, October, and November, under a penalty of five dollars for each and every rail or reed bird so killed, exposed for sale, or had in possession.

SECTION 12. No person shall, at any time, within this State, kill, trap, or expose for sale, or have in his or her possession, after the same has been killed, any night-hawk, whip-poor-will, sparrow, thrush, lark, finch, martin, chimney swallows, barn swallows, woodpecker, flicker, robin, oriole, red or cardinal bird, cedar bird, tanager, cat bird, blue bird, or any other insectivorous bird, under a penalty of five dollars for each bird killed, trapped, exposed for sale, or had in possession.

SECTION 13. The last section, to wit: Section twelve, shall not apply to any person who shall kill any bird for the purpose of scientific investigation, or having the same stuffed or set up as a specimen.

SECTION 14. No person shall rob or destroy the eggs or nests of any wild birds whatsoever, only those of such predatory birds as are destructive of game and insectivorous birds, under a penalty of ten dollars: *Provided*, That this section shall not apply to any person who shall collect such eggs for scientific purposes.

SECTION 15. No person shall kill, catch, or discharge any fire-arms at any wild pigeon while on its nesting-ground, or break up, or in any manner disturb, such nesting-ground, or the birds therein, or discharge any fire-arms, within one fourth of a mile of such nesting place of any wild pigeon or pigeons, or shoot at, maim, or kill any wild pigeon or pigeons within their roostings, under a penalty of twenty dollars: *Provided*, That no person except citizens of this Commonwealth shall trap or catch wild pigeons with nets, in any of the counties of this Commonwealth, unless he shall have first taken out a license from the county treasurer of the county in which said pigeons are found, for which license he shall pay the sum of fifty dollars, for the use of said county, under a penalty of one hundred dollars: *And provided further*, That no person shall, at any time or place within this State, kill or take any wild pigeon with any net, trap, or snare, nor set any such net, trap, or snare for the purpose of taking or killing any of said pigeons during the nesting season, nor shall any person sell, or expose for sale, any of the said

pigeons after the same shall have been so taken or killed, under a penalty of ten dollars for each bird so taken.

SECTION 16. No person shall, at any time or place within this State, kill or take any wild turkey, or ruffed grouse, commonly called pheasant, or quail, or Virginia partridge, or woodcock, or rail or reed bird, any pinnated grouse, commonly called prairie chicken, with any net, trap, snare, or torchlight, nor use any such net, trap, snare, or torchlight, for the purpose of taking or killing any of said birds; nor shall any person sell, or expose for sale, any of the said birds, after the same shall have been so taken or killed, under a penalty of ten dollars for each bird. And it shall be lawful for any person to take and destroy any such nets, traps, or snares, whenever found set: *Provided*, That nothing in this section shall be so construed as to prevent individuals or associations for protection, preservation, or propagation of game, from gathering alive by nets or traps, with the written consent of the owner of the land, quails or Virginia partridges, from the twentieth day of December in any year, to the first day of February next following, for the sole purpose of preserving them alive over the winter.

SECTION 17. There shall be no hunting, or shooting, or fishing on the first day of the week, called Sunday; and any person offending against the provisions of this section shall be liable to a penalty of twenty-five dollars.

SECTION 18. No person shall at any time catch or kill any speckled trout with any device, save only with rod, hook, and line, except for the purpose of propagation, under a penalty of twenty-five dollars for each offense.

SECTION 19. No person shall kill, or expose to sale, or have in his or her possession, after the same has been killed, any sea salmon or speckled trout, save only during the months April, May, June, and July, under a penalty of ten dollars for each salmon or trout so killed or had in possession, but this section shall not prevent any person from catching trout with nets, in waters owned by himself, to stock other waters.

SECTION 20. No person shall kill any lake trout in the months of October, November, and December, under a penalty of ten dollars for each fish.

SECTION 21. Any person trespassing on any lands for the purpose of taking fish from any private pond, stream, or spring, after public notice on the part of the owner or occupant thereof, such notice being posted adjacent to such pond, stream, or spring, shall be deemed guilty of trespass, and in addition to damages recoverable by law, shall be liable to the owner, lessee, or occupant in a penalty of one hundred dollars for every such offense: *Provided, however*, This section shall apply only to such ponds, streams, or springs, as shall be used or improved by the owners or lessees for the propagation of fish or game fish.

SECTION 22. It shall not be lawful for any person or persons to place any fish basket, gill nets, pond nets, eel weirs, kiddles, brush or facine nets, or any other permanent set means of taking fish, in any waters of this Commonwealth. Any person violating the provisions of this section shall be liable to a penalty of twenty-five dollars for each and every offense: *Provided*, That this section shall not apply to the fishing with gill nets in the river Delaware, below Trenton Falls.

SECTION 23. It shall not be lawful at any time to catch fish by means of the drawing of a seine or seines in any of the waters of this State, under a penalty of twenty-five dollars for each offense: *Provided*, That the provisions of this act shall not extend to shad fishing: *Provided also*, That the meshes of such seines used for the catching of shad shall not be less than three inches: *And provided further*, That no seine shall be drawn within one fourth of a mile of any dam across any river of this Commonwealth, under a penalty of fifty dollars for each and every offense.

SECTION 24. It shall be lawful to fish with fyke or hoop nets in any of the streams of this Commonwealth uninhabited by brook or speckled trout, during the months of March, April, May, September, October

and November, in each year: *Provided*, That the meshes of said nets shall not be less than one inch in size, and that said net or nets shall not be placed at the confluence of any wing-walls, either newly made or abandoned: *And provided further*, That it shall be the duty of any one taking or capturing, by means of fyke or hoop net as aforesaid, any salmon, bass, trout, speckled trout, pike, pickerel, or every kind of fish introduced into any of the waters of this Commonwealth by authority of the same, for the purpose of stocking the said waters, to return the same alive to the waters whence taken. The violation of any of the provisions of this section shall subject the offender to a penalty of twenty-five dollars for each and every offense.

SECTION 25. No person shall, by any means or device whatsoever, catch or kill in any waters of this State any black bass, green bass, yellow bass, willow bass, rock bass, Lake Erie or grass bass, pike or pickerel, or wall-eyed pike, commonly known as Susquehanna salmon, between the first day of January and the first day of June; nor shall catch or kill any of said species of fish at any other time during the year, save only with a hook and line, scroll or spear. Any violation of this section shall subject the offender to a penalty of ten dollars for each and every offense: *Provided*, This section shall not apply to the waters of Lake Erie, except in the ponds on the island, or peninsula forming the north and east shores of the harbor of Erie.

SECTION 26. No person or persons shall catch any speckled trout, yellow bass, green bass, willow bass, or black bass, Lake Erie or grass bass, or other fish in any of the waters of this State, by shutting or drawing off any portion of said waters, or by dragging or drawing small nets or seines therein, when the waters shall be wholly or in part drawn off except by order of the State fishery commissioners, and it shall not be lawful for any one to place or cause to be placed in any of the waters of this Commonwealth, quick lime or poisonous bait, any torpedo, giant powder, nitro-glycerine or other explosive substance, with intent to catch or kill any fish aforesaid; and any person violating the provisions of this act shall be guilty of a misdemeanor, and on conviction thereof shall be liable to a penalty of fifty dollars.

SECTION 27. That the board of fish commissioners shall, upon the application to them in writing of ten or more citizens of any county in this Commonwealth, appoint one or more fish wardens or water bailiffs, whose duty it shall be to enforce by information or prosecution the laws of this Commonwealth now in force, or that may hereafter be passed, providing for the propagation and protection of fish in any of the interior waters of this Commonwealth: *Provided*, That the Commonwealth shall not be liable to pay to any of the persons so appointed any salary or compensation for their services.

SECTION 28. Nothing in this act shall be so construed as to prevent any person in any part of this State from catching speckled trout or black bass, with nets in waters owned by himself, for the purpose of stocking other waters: *Provided*, That nothing in this act shall be construed to prevent any person from taking fish from private ponds or streams owned by him or them, and used for cultivating fish.

SECTION 29. Nothing in this act shall be so construed as to prevent the catching of bait fish by means of hand nets or cast nets, for angling or scientific purposes.

SECTION 30. That no person or persons shall catch or kill, by any means whatever, any lake bass or grass bass, rock bass or goggle eyes, or blue sun fish species, newly introduced by the fish commissioners of the State, for a period of three years, from January first, eighteen hundred and seventy-eight, under a penalty of five dollars for each and every fish so taken or had in possession.

SECTION 31. No person shall, by any means or device whatever, or at any season of the year, kill any black, yellow, or green bass of a less size than six inches in length, but should any such fish be taken or captured by any means of less size than six inches in length, it shall be the duty of any one so taking or capturing the same to return the same im-

mediately to the waters whence taken. Any violation of this section shall subject the offender to a penalty of ten dollars for each and every offense.

SECTION 32. Any person may sell or have in his or her possession any pinnated grouse, commonly called prairie chicken, ruffed grouse, commonly called pheasant, and quail or Virginia partridge, and woodcock, for a period of fifteen (15) days after the time limited for killing the same has expired, and shall not be liable to any penalty under this act.

SECTION 33. In all cases of arrests made for the violation of each or any of the foregoing sections of this act, the possession of the game, fishes, birds, animals, fowls, nets, or other devices provided for or so mentioned, shall be *prima facie* evidence of the violation of said act: *Provided*, That nothing in this act will prevent any person from killing any wild animal or bird when found destroying grain, fruit, or vegetables on his or her premises.

SECTION 34. Any justice of the peace or alderman, upon information or complaint made before him, by the affidavit of one or more persons, of the violation of the provisions of this act by any person or persons, is hereby authorized and required to issue his warrant under his hand and seal, directed to any constable, police officer, or warden, to cause such person or persons to be arrested and brought before said justice or alderman, who shall hear and determine the guilt or innocence of the person or persons so charged, and if convicted of said offense or offenses, shall be sentenced to pay the fine or fines, penalty or penalties, attached to such violations, together with costs, one half of which penalties shall go to the informer, and the remaining one half shall be forthwith paid to the treasurer of the county in which the offense was committed, and it shall be the duty of said treasurer to distribute said fund, so arising, at the close of each year, to the various school districts in said county, in proportion to the number of taxables in said districts: *Provided*, That said conviction shall be had within one year from the time of committing the offense: *And provided further*, That the defendant, on refusing to pay said penalty, shall be committed to the common jail of the county, for a period of not less than one day for each dollar of penalty imposed, unless the defendant enter into recognizance with one or more sufficient securities to answer said complaint on a charge of a misdemeanor, before the court of quarter sessions of the peace of the county in which the offense is committed, which court, on conviction of the defendant of the offense charged, and failure to pay the penalty or penalties imposed by this act, together with costs, shall commit said defendant to the common jail of the county, for a period of not less than one day for each dollar of penalty imposed.

SECTION 35. Any judge of the court of quarter sessions of the peace, or any alderman, justice of the peace, police, or other magistrate, upon receiving sufficient proof, by affidavit, that any of the provisions of this act have been violated by any person being temporarily within its jurisdiction, but not residing there permanently, or by any person whose name and residence were unknown, or by any permanent resident, or citizen, is hereby authorized and required to issue his warrant for the arrest of such person, and to cause him to be committed or held to bail to answer the charge against him; and any such justice or magistrate, upon receiving proof or probable cause for believing in the concealment of any game or fish mentioned in this act, during any of the periods prohibited, shall issue his search warrant and cause search to be made in any house, market, boat, car, vehicle, or building. All courts of quarter sessions are hereby invested with jurisdiction to try and dispose of all and any of the offenses against the provisions of this act occurring in the same county.

SECTION 36. It shall be, and is hereby made, the duty of the several mayors and burgesses of the several cities, towns, and boroughs within this Commonwealth, to require their respective police or constabulary force, and it is hereby made their duty, as it is also hereby made the duty of the several clerks of market of said cities, towns, boroughs, to

diligently search out and arrest as for a misdemeanor, all persons violating the provisions of this act, by having any game or fish mentioned therein unlawfully in their possession, or vending the same during any of the periods prohibited in this act, within such cities, towns, or boroughs; and all persons so arrested shall be taken before the mayor, burgess, or any police or other magistrate of said cities, towns, or boroughs, in which the arrests are made, who shall proceed to hear and determine as to the truth of the offense charged on the oath or affirmation of one or more witnesses to the same: *Provided*, That the officer making the arrest shall be a competent witness, and if the person or persons so arrested shall be found guilty, he, she, or they shall be convicted of a misdemeanor, and sentenced to pay the fine or fines, penalty or penalties imposed by this act for having such game or fish in possession, or vending the same during any of the periods prohibited therein, together with the costs; one half of said penalty shall go to the person informing, and the other half shall be forthwith paid to the treasurer of the county or city in which the offense was committed; and in default of payment, as aforesaid, the offender shall be committed to the common jail of the proper county for the term of not less than one day for each dollar of penalty imposed: *Provided*, That said conviction shall be had within one year after committing the offense: *And provided further*, That the defendant may, on refusing to pay said penalty, enter into a recognizance, with one or more sufficient sureties to answer said complaint on a charge of misdemeanor before the court of quarter sessions of the peace of the county in which the offense is committed, which court, on conviction of the defendant of the offense charged and failure to pay the penalty or penalties imposed by this act, together with costs, shall commit said defendant to the common jail of the county for a period of not less than one day for each dollar of penalty imposed: *Provided further*, That nothing in this section shall prevent any person or persons, other than those particularly mentioned in this section, and having a knowledge of the violation of the provisions therein mentioned, from laying information of the same, and proceeding to recover the penalty or penalties therefor, in the manner prescribed in the following section, who shall also be a competent witness on trial of the case.

SECTION 37. Whenever any officer or constable making complaint of the violation of any of the provisions of this act, shall fail to recover the penalty or penalties therein mentioned, in any prosecution or suit commenced by him, or them, pursuant to the foregoing sections of this act, the costs of suit incurred by him or them shall be a charge upon the proper county, and shall be audited and allowed as other county charges are audited and allowed.

SECTION 38. In all cases not separately and particularly provided for in other sections of this act, wherever the penalty or penalties mentioned in said act exceed in amount the jurisdiction of aldermen or justices of the peace, it shall be the duty of the district attorney for the county where the offense is committed to commence action for the recovery of such penalties, upon receiving proper information thereof, in the court of quarter sessions of the peace, or other court having jurisdiction in the proper county, and in all such actions brought by such district attorney, one half the penalty recovered shall belong to the person laying information on which the action is brought, and the other half shall be paid to the treasurer of the county in which the offense is committed.

SECTION 39. All actions for violation of the provisions of this act, except where otherwise therein directed, shall be brought within one year from the time such violation is committed.

SECTION 40. Nothing in this act shall be construed to apply to any stream forming the boundary line between this and any State over which this State has concurrent jurisdiction with such State, so far as such streams form such boundary line, nor to any lake partly within the boundaries of this State.

SECTION 41. All acts or parts of acts which are inconsistent with this act, be and the same are hereby repealed.

Will issue about the 15th of January, 1879,

THE
PENNSYLVANIA STATE BOOK
AND
PEOPLE'S MANUAL,
A COMPLETE STATE AND COUNTY OFFICIAL REGISTER,
WITH
FORMS AND INSTRUCTIONS FOR DOING BUSINESS WITH
THE SEVERAL DEPARTMENTS OF THE
COMMONWEALTH.

Also a List of County Superintendents, Notaries, Magistrates, Attorneys, &c.

TOGETHER WITH
A DIGEST OF CORPORATION TAX, ELECTION AND GAME
LAWS, AND OTHER USEFUL INFORMATION.

BY JOHN M'MURRAY.

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